#### BIRMINGHAM CITY COMMISSION AGENDA JULY 26, 2021 MUNICIPAL BUILDING, 151 MARTIN 7:30 P.M.

I.	CALL TO ORDER AND PLEDGE OF ALLEGIANCE
1.	Pierre Boutros, Mayor
II.	ROLL CALL
	Alexandria Bingham, City Clerk
	PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, IGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS, INTRODUCTION OF STS AND ANNOUNCEMENTS.
	ANNOUNCEMENTS
	APPOINTMENTS  A. Greenwood Cemetery Advisory Board  1. Linda Peterson  2. Laura Schreiner  3. George Stern
	To appoint to the Greenwood Cemetery Advisory Board as a regular member to serve a three-year term to expire July 6, 2024.
	To appoint to the Greenwood Cemetery Advisory Board as a regular member to serve a three-year term to expire July 6, 2024.
	To appoint to the Greenwood Cemetery Advisory Board as a regular member to serve a three-year term to expire July 6, 2024.
	<ul><li>B. Museum Board</li><li>1. Alexandra Harris</li><li>2. Bev Erickson</li></ul>
	To appoint to the Museum Board as a regular member to serve a three-year term to expire July 5, 2024.
	To appoint to the Museum Board as an alternate member to serve the remainder of a three-year term to expire July 5, 2023.

**OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA** 

1

IV.

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**OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA** 

1

IV.

#### V. CONSENT AGENDA

All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a roll call vote. There will be no separate discussion of the items unless a commissioner or citizen so requests, in which event the item will be removed from the general order of business and considered under the last item of new business.

- A. Resolution to approve the City Commission meeting minutes of July 13, 2021.
- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated July 14, 2021, in the amount of \$792,651.95.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated July 21, 2021, in the amount of \$976,399.27.
- D. Resolution to approve the purchase of uniforms with Contractors Clothing Company for an expected annual cost not to exceed \$12,000 per year for the Teamster contract uniform allowance for fiscal years 2021-2022, 2022-2023 and 2023-2024. Funds are available for this purchase in the Public Services Uniform Allowance account #101-441.002-743.0000.
- E. Resolution to approve the fertilizer/chemical purchases for Lincoln Hills and Springdale Golf Courses from Harrell's for \$22,000, Target Specialty Products for \$22,000, and Great Lakes Turf for \$8,000. The total purchase from all vendors will not exceed a total of \$52,000. Funds will be charged to account numbers 584/597-753.001-729.0000.
- F. Resolution to approve the purchase of one (1) 2022 Chevrolet Tahoe LS 4WD police package from Berger Chevrolet Inc. through the State of Michigan MIDEAL extendable purchasing contract #071B7700181 in the amount not to exceed \$45,893.00. Funds for this purchase are available in the FY 2021-2022 Auto Equipment Fund account #641-441.006.971.0100.
- G. Resolution to approve the purchase of one (1) 2022 Ford Transit Connect Cargo Van from Gorno Ford through the State of Michigan MIDEAL extendable purchasing contract #071B7700181 in the amount not to exceed \$25,690.00. Funds for this purchase are available in the FY 2021-2022 Auto Equipment Fund account #641-441.006.971.0100.
- H. Resolution to approve the purchase of one (1) 2022 Chevrolet Tahoe 4 WD police package from Berger Chevrolet Inc. through the State of Michigan MIDEAL extendable purchasing contract #071B7700181 in the amount not to exceed \$39,885.00. Funds for this purchase are available in the FY 2021-2022 Auto Equipment Fund account #641-441.006.971.0100.
- I. Resolution to authorize the IT department to purchase the G-Suite license renewal from Newmind Group Inc. The cost not to exceed \$18,720.00. Using available funds from the Computer Maintenance account 636-228.000-993.0600
- J. Resolution to approve the outside agency service agreements for services described in Attachment A of the agreement for fiscal year 2021-22 with Birmingham Bloomfield Community Coalition in the amount of \$3,000, Birmingham Youth Assistance in the amount of \$18,000 and Common Ground in the amount of \$1,500 from account number 101-

- 301.000-811.0000, further to direct the Mayor and City Clerk to sign the agreements on behalf of the City.
- K. Resolution to approve the addendum to extend the contract for 2021-22 handwork pavement markings with Hart Pavement Striping Corporation in the amount of \$107,000.00 for combined fall 2021 and spring 2022 applications; further to approve the addendum to extend the contract for pavement marking longlines with PK Contracting, Inc. in the amount of \$10,027.00 for spring 2022 pavement markings; further authorizing and directing the mayor and city clerk to sign the addenda on behalf of the city; further to authorize these budgeted expenditures from account number 202-303-001-937.0200.
- L. Resolution to approve the Birmingham City Commission 2022 Meeting Schedule as submitted.
- M. Resolution to approve a special event permit as requested by Piety Hill Chapter, NSDAR to hold the Veterans Day Wreath Laying Ceremony in Shain Park November 11, 2021, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff leading up to or at the time of the event due to public health and safety measures.

#### **VI. UNFINISHED BUSINESS**

#### VII. NEW BUSINESS

- A. Public Hearing of Necessity Townsend and Peabody Paving Project
  - 1. See complete resolution in agenda packet
- B. Public Hearing 501 S. Eton Whistle Stop Special Land Use Permit, Final Site Plan & Design Review
  - 1. Resolution to approve the Special Land Use Permit, Final Site Plan and Design Review application for 501 S. Eton Whistle Stop to allow the operation of a bistro.
- C. Public Hearing Amendments to Section 3.04, 4.90 and 9.02 of Chapter 126, Zoning Window and Glazing Standards
  - 1. Resolution to approve the following amendments to Chapter 126, Zoning:
    - i. Article 3, Section 3.04 (Specific Standards) to amend the Architectural Standards;
    - ii. Article 4, Section 4.90 (Window Standards) to amend storefront window requirements;
    - iii. Article 9, Section 9.02 (Definitions) to redefine clear glazing and eliminate lightly tinted glazing
- D. Public Hearing Zoning Amendments to Sections 4.09 and 4.88 of Chapter 126, Zoning Solar Electric Systems
  - 1. Resolution to approve the following amendments to Chapter 126, Zoning:

3

- Article 4, Section 4.09 (Essential Services) to remove Roof Mounted Solar Electric Systems and
- ii. Article 4, Section 4.88 (Alternative Energy) to add amended Roof Mounted Solar Electric Systems Language
- E. Resolution to appoint \_\_\_\_\_ as the Birmingham City Commission's official voting delegate, and \_\_\_\_\_ as the alternate voting delegate, at the Michigan Municipal League Annual Meeting to be held in Grand Rapids, Michigan on September 22, 2021.
- F. Commission discussion on items from prior meeting.
- G. Commission Items for Future Discussion. A motion is required to bring up the item for future discussion at the next reasonable agenda, no discussion on the topic will happen tonight.

#### VIII. REMOVED FROM CONSENT AGENDA

#### IX. COMMUNICATIONS

#### X. REPORTS

- A. Commissioner Reports
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
  - 1. Birmingham Triangle District Corridor Improvement Authority (CIA)
  - 2. City Manager's Report

INFORMATION ONLY

#### XI. ADJOURN

Should you wish to participate in this meeting, you are invited to attend the meeting in person or virtually through ZOOM: <a href="https://zoom.us/j/655079760">https://zoom.us/j/655079760</a> Meeting ID: 655 079 760
You may also present your written statement to the City Commission, City of Birmingham, 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012-3001 prior to the hearing.

NOTICE: Individuals requiring accommodations, such as mobility, visual, hearing, interpreter or other assistance, for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 (voice), or (248) 644-5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.

Las personas que requieren alojamiento, tales como servicios de interpretación, la participación efectiva en esta reunión deben ponerse en contacto con la Oficina del Secretario Municipal al (248) 530-1880 por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).

#### V. CONSENT AGENDA

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## NOTICE OF INTENTION TO APPOINT TO THE GREENWOOD CEMETERY ADVISORY BOARD

At the regular meeting of Monday, July 26, 2021 the Birmingham City Commission intends to appoint three regular members to the Greenwood Cemetery Advisory Board to serve three-year terms to expire July 6, 2024.

Members must be chosen from among the citizens of Birmingham and, insofar as possible, represent diverse interests, such as persons with family members interred in Greenwood Cemetery; owners of burial sites within Greenwood Cemetery intending to be interred in Greenwood Cemetery; persons familiar with and interested in the history of Birmingham; persons with familiarity and experience in landscape architecture, horticulture, law or cemetery or funeral professionals.

Interested citizens may submit a form available at the City Clerk's Office on or before noon on Wednesday, July 21, 2021. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

#### **Committee Duties**

In general, it shall be the duty of the Greenwood Cemetery Advisory Board to provide recommendations to the City Commission on:

- 1. Modifications. As to modifications of the rules and regulations governing Greenwood Cemetery.
- 2. Capital Improvements. As to what capital improvements should be made to the cemetery. Future Demands. As to how to respond to future demands for cemetery services.
- 3. Day to Day Administration. The day to day administration of the cemetery shall be under the direction and control of the City, through the City Manager or his/her designee.
- 4. Reports. The Greenwood Cemetery Advisory Board shall make and submit to the City Commission an annual report of the general activities, operation, and condition of the Greenwood Cemetery for the preceding 12 months. The Greenwood Cemetery Advisory Board shall, from time to time, as occasion requires, either in the annual report, or at any time deemed necessary by the Greenwood Cemetery Advisory Board, advise the City Commission in writing on all matters necessary and proper for and pertaining to the proper operation of Greenwood Cemetery and any of its activities or properties.

All members of boards and commissions are subject to the provisions of City of Birmingham City Code Chapter 2, Article IX, Ethics and the filing of the Affidavit and Disclosure Statement.

### Applicant(s) Presented for City Commission Consideration:

Applicant Name	Criteria/Qualifications  Must be a resident of Birmingham and insofar as possible, represent diverse interests, such as persons with family members interred in Greenwood Cemetery; owners of burial sites within Greenwood Cemetery intending to be interred in Greenwood Cemetery; persons familiar with and interested in the history of Birmingham; persons with familiarity and experience in landscape architecture, horticulture, law or cemetery or funeral professionals.
Linda Peterson	Resident
Laura Schreiner	Resident
George Stern	Resident

SUGGESTED RESOLUTION								
To appointserve a three-year term to	-	•	Advisory	Board	as a	regular	member	to
serve a tillee-year term to	expire July 0, 2024.							
To appointserve a three-year term to			Advisory	Board	as a	regular	member	to
To appoint		Cemetery	Advisory	Board	as a	regular	member	to



## GREENWOOD CEMETERY ADVISORY BOARD

Resolution No. 10-240-14 October 13, 2014.

The Greenwood Cemetery Advisory Board shall consist of seven members who shall serve without compensation. Members must be chosen from among the citizens of Birmingham and, insofar as possible, represent diverse interests, such as persons with family members interred in Greenwood Cemetery; owners of burial sites within Greenwood Cemetery intending to be interred in Greenwood Cemetery; persons familiar with and interested in the history of Birmingham; persons with familiarity and experience in landscape architecture, horticulture, law or cemetery or funeral professionals. The City Manager or his/her designee shall serve as ex official, non-voting members of the Board.

Term: Three years.

In general, it shall be the duty of the Greenwood Cemetery Advisory Board to provide recommendations to the City Commission on:

- 1. Modifications. As to modifications of the rules and regulations governing Greenwood Cemetery.
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Last Name Home Address	First Name	Home Business								
		L-rigii	<b>Арропіте</b> й	тегін Ехрігез						
Buchanan	Linda	(248) 646-3297	12/14/2015 Chair	7/6/2022						
1280 Suffield			Chan							
Birmingham	48009									
-		lgbfeb23@gmail.com	lgbfeb23@gmail.com							
DeWeese	Pam	(248) 642-4256	8/24/2020 Plot Owner	7/6/2023						
932 Purdy Stree	t		Plot Owner							
Birmingham	48009									
J		pamdeweese@comca	pamdeweese@comcast.net							

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Peterson  1532 Melton	Linda	(248) 203-9010	11/24/2014 Vice Chair - Plot Own Greenwood Cemeter	7/6/2024) ner - Relative buried in
Birmingham	48009	Ipeterson02@comcast.ne	et.	
<b>Schreiner</b> 591 Bird	<b>Laura</b>	(248) 593-0335	11/24/2014 owner of burial site in familiar with and intellibringham.	7/6/2024 n Greenwood; person erested in the history of
Birmingham	48009	laschreiner@yahoo.com	Diffinglian.	
Stern 1090 Westwood	George	(248) 345-2750		n; person with experience
Birmingham	48009	sterngeo@aol.com	in landscape architec	ture, horticulture,or law.
<b>Suter</b> 1795 Yosemite	Margaret	(248) 644-5925	5/23/2016 owns a plot, relative Cemetery	7/6/2022 buried in Greenwood
Birmingham	48009	maasuter@gmail.com		
<b>Vercellone</b> 572 W. Lincoln	Joseph	(248) 798-0460	8/10/2020 Plot Owner	7/6/2023
Birmingham	48009	jvercellone@gmail.com		

Name of Board: Greenwood Cemetery Advisory Board Year: 2019

Members Required for Quorum: 4

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	ОСТ	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																	
Linda Buchanan	NM	Р	Α	Р	NM	Р	Р	NM	NM	Р	Р	Р			7	1	88%
Kevin Desmond	NM	Р	Р	Α	NM	Α	Р	NM	NM	Р	Р	Р			6	2	75%
Darlene Gehringer	NM	Р	Р	Р	NM	Р	Α	NM	NM	Α	Р	Р			6	2	75%
Linda Peterson	NM	Р	Р	Р	NM	Р	Р	NM	NM	Α	Р	Р			7	1	88%
Laura Schreiner	NM	Р	Р	Р	NM	Р	Р	NM	NM	Р	Р	Р			8	0	100%
George Stern	NM	Р	Р	Р	NM	Р	Р	NM	NM	Р	Р	Р			8	0	100%
Margaret Suter	NM	Р	Р	Р	NM	Р	Р	NM	NM	Р	Р	Р			8	0	100%
Reserved															0	0	
Reserved															0	0	
Present or Available	0	7	6	6	0	6	6	0	0	5	7	7	0	0			

**KEY:** A = Member absent

P = Member present or available

**CP** = Member available, but meeting canceled for lack of quorum

**CA** = Member not available and meeting was canceled for lack of quorum

NA = Member not appointed at that time NM = No meeting scheduled that month

**CM** = Meeting canceled for lack of business items

Alexandria D. Bingham

**Department Head Signature** 

Name of Board: Greenwood Cemetery Advisory Board Year: 2020

Members Required for Quorum: 4

															Total		Percent
													SPEC	SPEC	Mtgs.	Total	Attended
MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	ОСТ	NOV	DEC	MTG	MTG	Att.	Absent	Available
REGULAR MEMBERS																	
Linda Buchanan	Р	NM	NM	Р	NM	NM	Р	NM	Р	NM	Р	NM			5	0	100%
Kevin Desmond	Р	NM	NM	Α	NM	NM	Р	NA	NA	NA	NA	NA			2	1	67%
Darlene Gehringer	Α	NM	NM	Р	NM	NM	Α	NA	NA	NA	NA	NA			1	2	33%
Linda Peterson	Р	NM	NM	Р	NM	NM	Р	NM	Р	NM	Р	NM			5	0	100%
Laura Schreiner	Р	NM	NM	Р	NM	NM	Р	NM	Р	NM	Α	NM			4	1	80%
George Stern	Р	NM	NM	Р	NM	NM	Р	NM	Р	NM	Р	NM			5	0	100%
Margaret Suter	Р	NM	NM	Р	NM	NM	Р	NM	Р	NM	Р	NM			5	0	100%
Pam DeWeese	NA	NA	NA	NA	NA	NA	NA	NM	Р	NM	Р	NM			2	0	100%
Joseph Vercellone	NA	NA	NA	NA	NA	NA	NA	NM	Α	NM	Р	NM			1	1	50%
Present or Available	6	0	0	6	0	0	6	0	6	0	6	0	0	0			

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**Department Head Signature** 

Name of Board: Greenwood Cemetery Advisory Board Year: 2021

**Members Required for Quorum:** 4

															Total		Percent
MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	ОСТ	NOV	DEC	SPEC	SPEC	Mtgs. Att.	Total Absent	Attended Available
	JAN	FLD	MAR	APR	MAI	JUILE	JULI	AUG	SEPT	oci	NOV	DEC	МІС	МІС	ALL.	ADSCIIL	Available
REGULAR MEMBERS																	
Linda Buchanan	Р	Р	Р	Р	Р	Р	Р								7	0	100%
Pam DeWeese	Р	Р	Р	Р	Р	Р	Р								7	0	100%
Joseph Vercellone	Р	Р	Α	Α	Р	Α	Α								3	4	43%
Linda Peterson	Р	Р	Р	Р	Р	Р	Р								7	0	100%
Laura Schreiner	Р	Р	Р	Р	Р	Р	Р								7	0	100%
George Stern	Р	Р	Р	Р	Р	Р	Р								7	0	100%
Margaret Suter	Р	Р	Р	Р	Р	Р	Р								7	0	100%
Reserved															0	0	
Reserved															0	0	
Present or Available	7	7	6	6	7	6	6	0	0	0	0	0	0	0			•

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**Department Head Signature** 



receive these messages, you may unsubscribe at any time.

OFFICE USE ONLY

Meets Requirements? Yes No

Will Attend / Unable to Attend

#### APPLICATION FOR CITY BOARD OR COMMITTEE

Thank you for your interest in serving on a Board or Committee. The purpose of this form is to provide the City Commission with basic information about applicants considered for appointment. NOTE: Completed applications are included in the City Commission agenda packets. The information included on this form is open to the public. All Board and Committee members are subject to the provisions of the Ethics Ordinance (Chapter 2, Article IX of the City Code).

Information on various Boards and Committees and a list of current openings can be found on the City website at www.bhamgov.org/boardopportunities-(Please print clearly) Board/Committee of Interest Specific Category/Vacancy on Board ... (see back of this form for Information) Name Residential Address Residential City, Zip Occupation ADO 24 **Business Address** Sam Business City, Zip Reason for Interest: Explain how your background and skills will enhance the board to which you have applied List your related employment experience List your related community activities List your related educational experience 25TS1R-15 To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain: NO Do you currently have a relative serving on the board/committee to which you have applied? Are you an elector (registered/voter) in the City of Birmingham? Signature of Applicant Return the completed and signed application form to: Dity of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 49009 or by email to Abauff@bhamcov.org or by fax to 248.530.1080, \*By providing your email to the City, you agree to receive news & notifications from the City. If you do not wish to



#### **OFFICE USE ONLY**

Meets Requirements? Yes No

Will Attend / Unable to Attend

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(Please print clearly)

Board/Committee of Interest Greenwood Cemetery	Board
Specific Category/Vacancy on Board Board Member	(see back of this form for information)
Name Laura Ann Schreiner	Phone 248 593 0335 (home)
Residential Address 591 Bird Avenue	Email * laschreiner@yahoo.com
Residential City, Zip Birmingham, Michigan 48009	Length of Residence 20+yrs
Business Address 800 West Long Lake Road, Suite 160	Occupation Attorney
Business City, Zip Bloomfield Hills, MI 48302	
Reason for Interest: Explain how your background and skills wil	Il enhance the board to which you have applied
in (& my family still owns) a house on Lakeside; I currently live in Birminghar plot for future use. I have former/deceased clients whom are interred in Gre current clients with plots for future use, as well as have assisted clients in pr	m. I have always enjoyed Greenwood, its history/setting, & do have a enwood, current clients w/ family members interred in Greenwood,
List your related employment experience Attorney (Estate Plan/I	Estate Administration/Tax/Real Estate) in Bloomfield Hills
List your related community activities Greenwood Cemetery Advised Election Inspector - Absentee Ballot Counting Board	sory Committee then Greenwood Cemetery Advisory Board;
List your related educational experience Golden Gate University, JD; Uni	versity of Michigan, BS - Architecture; University of Michigan, BA - Psychology
To the best of your knowledge, do you or a member of your relationships with any supplier, service provider or contractor of direct compensation or financial benefit? If yes, please explains provider/contractor's family at value but not for the actual service provider.	of the City of Birmingham from which you or they derive  Not specifically or directly. However, my firm prepared estate plans for a service
Do you currently have a relative serving on the board/committee	Yes
Are you an elector (registered voter) in the City of Birmingham?	6/21/21
Signature of Applicant	Date
Return the completed and signed application form to: City of Birmingham, Cahauff@bhamgov.org or by fax to 248.530.1080.	City Clerk's Offfice, 151 Martin, Birmingham, MI 48009 or by email to Updated 3/24/2021

\*By providing your email to the City, you agree to receive news & notifications from the City. If you do not wish to

receive these messages, you may unsubscribe at any time.

Please consult the criteria required to be a member of each City Board or Committees. Fill in the criteria you meet in the "Specific Category/Vacancy on Board" on the Application. If you are applying for a spot as an Alternate Member, you must still meet at least one of the criteria. Please contact Abby Hauff, Deputy City Clerk, at 248-530-1880 or Ahauff@bhamgov.org with any questions.

#### ADVISORY PARKING COMMITTEE

- Building Owner within the Parking Assessment District
- Restaurant owner within the Parking Assessment District
- Representative of a professional firm within the Parking Assessment District

#### ARCHITECTURAL REVIEW COMMITTEE

· Licensed architect and resident of Birmingham

#### CABLECASTING BOARD

· Resident of Birmingham

#### ALTERNATE HEARING OFFICER

 Resident of Birmingham with legal, administrative or other qualifications that will aid in the performance of the duties.

#### HISTORIC DISTRICT STUDY COMMITTEE

 Clearly demonstrated interest in or knowledge of historic preservation.

#### HOUSING BOARD OF APPEALS

 Education or experience in building construction administration, social services, real estate, or other such positions.

#### MULTI-MODAL TRANSPORTATION BOARD

 Urban planning, architecture or design education and/or experience.

#### MUSEUM BOARD

Resident of Birmingham.

## PARKS AND RECREATION BOARD - ALTERNATE MEMBER

Registered to vote in Birmingham.

#### **PUBLIC ARTS BOARD**

 Represent a major cultural institution, be a Michigan registered architect, an artist, an art historian, or art consultant.

## TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY

 Ownership or business interest in property located in the Development Area.



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Board/Committee of Interest GREENWOOD Cametery Advisory BOAD Specific Category/Vacancy on Board MEMBER - Resident (see back of this form for information) Name Grange L. STERU Phone 2 48 258 - 1924 Email \* 5 TERUGES @ askon Residential Address 1090 West wood DR Length of Residence 44 years Residential City, Zip Birmingha 48009 Occupation Railmond Executive Business Address Retired Business City, Zip Reason for Interest: Explain how your background and skills will enhance the board to which you have applied \_\_\_\_\_ MORE THE W 35 years Cometing Brash Experience Constant notesory Committee and Board President - Chunge & Miras Resay - AND Garren Touch Resay List your related community activities Prast Prasidust - Blood Rothery, Prast President Simon Mests Chip BIR MISGARAM, PAST CROUR - JUS MBA, WARVARD UNIVERSITY, LICENSES Professional Englacer To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive Do you currently have a relative serving on the board/committee to which you have applied? \_\_\_\_\_\_\_ Are you an elector (registered voter) in the City of Birmingham? Signature of Applicant

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to Updated 3/24/2021

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## NOTICE OF INTENTION TO APPOINT TO THE MUSEUM BOARD

At the regular meeting of Monday, July 26, 2021, the Birmingham City Commission intends to appoint one regular member to the Museum Board to serve three-year terms to expire July 5, 2024, and one alternate member to serve the remainder of a three-year term to expire July 5, 2023.

Interested parties may submit an application available at the City Clerk's office on or before noon on Wednesday, July 21, 2021. These applications will appear in the public agenda for the regular meeting at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

#### **Board Duties**

The Museum Board is charged with collecting, arranging, cataloguing and preserving historical material. The Board may locate and erect plaques or markers at historic sites, buildings or properties in the City of Birmingham with the consent of the owner or owners of any such property and subject to the approval of the City Commission with respect to properties that, in the opinion of the Board, have historic significance. Further, the Board shall have the power to develop, operate and maintain the Allen House as a museum and to exercise authority, control and management over the Hunter House and John West Hunter Memorial Park.

NOTE: All members of boards and commissions are subject to the provisions of City of Birmingham City Code Chapter 2, Article IX, Ethics and the filing of the Affidavit and Disclosure Statement.

#### <u>Applicant(s) Presented For City Commission Consideration:</u>

Applicant Name	<ul> <li>Criteria/Qualifications</li> <li>Shall be qualified electors of the City and members of the Birmingham Historical Society</li> </ul>
Alexandra Harris 2600 Buckingham	Resident
Bev Erickson 1841 Maryland	Resident

#### SUGGESTED ACTION:

To appoint to expire July 5, 2024	Board as a	regular me	ember to s	serve a th	ree-year	term
To appoint of a three-vear term		n alternate	member	to serve t	he remai	nde



## **MUSEUM BOARD**

Chapter 62 - Section 62-26

Terms - Three years - expiring first Monday in July

Eight Members: Six are electors and appointed by city commission

One member is an Alternate

One is owner of a business and appointed by the city manager

The Museum Board is charged with collecting, arranging, cataloguing and preserving historical material. The board may locate and erect plaques or markers at historic sites, buildings or properties in the City of Birmingham with the consent of the owner or owners of any such property and subject to the approval of the city commission with respect to properties that, in the opinion of the board, have historic significance. Further, the board shall have the power to develop, operate and maintain the Allen House as a museum and to exercise authority, control and management over the Hunter House and John West

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Hughes</b> 915 Kennesaw	Patrick J.	(248) 417-0470	9/23/2019 Business owner m	7/5/2022 nember
		phughes@brickstory.co	om	
<b>Keefer</b> 505 E. Lincoln, #	<b>Judith</b> #4	(248) 249-0996	7/11/2016 Retired	7/5/2022
		jlwk2014@gmail.com		
<b>Logue</b> 2010 Buckinghar	<b>Marty</b> m	(248) 649-4921	9/26/2011 Historical Society	7/5/2023 Member
		gtfieros@comcast.net		
<b>Lutz</b> Groves High Sch	<b>Carter</b> ool		2/22/2021 Student Represen	12/31/2021 tative

BIRMINGHAM HISTORICAL MUSEUM & PARK, 556 West Maple, Birmingham, MI 48009

phone: 248.530.1928 fax: 248.530.1685 <a href="https://www.bhamgov.org/museum">www.bhamgov.org/museum</a>
Leslie Pielack, Museum Director: <a href="mailto:lpielack@ci.birmingham.mi.us">lpielack@ci.birmingham.mi.us</a>

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Patt</b> 773 Redding Roa	<b>Jacqueline</b>	(248)561-4052	3/22/2021 Regular Member	7/5/2023
J		jlpatt2@gmail.com		
Rosso 355 Columbia	Caitlin	(248) 229-4227	9/21/2015 Historical Society N	7/5/2023 1ember
		caitlinrosso@maxbroo	ck.com	
<b>Schoener</b> Seaholm High So	<b>Aidan</b> chool		2/22/2021 Student Represent	12/31/2021 ative
VACANT			Alternate	7/5/2023
VACANT			Historical Society N	7/5/2024 1ember
VACANT			Historical Society N	7/5/2024 1ember

BIRMINGHAM HISTORICAL MUSEUM & PARK, 556 West Maple, Birmingham, MI 48009 phone: 248.530.1928 fax: 248.530.1685 www.bhamgov.org/museum
Leslie Pielack, Museum Director: lpielack@ci.birmingham.mi.us

Year: )20-20	21			

MEMBER NAME	2020 JULY	AUG	SEPT	ост	NOV	DEC	2021 JAN	FEB	MAR	APR	MAY	JUNE	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absen t	Percent Attend ed
REGULAR MEMBERS	502.	AGG	<u> </u>			720	JAIL	1.25	TIAIX	AIK	11.7.1	JOILE					Cu
Patt, Jacquie	NA	NA	NA	NA	NA	NA	NA	NA	NA	Р	Р	Р			3	0	100%
Dixon, Russ	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р			12	0	100%
Keefer, Judith	Р	Р	Р	Р	Р	Р	Α	Р	Р	Р	Α	Р			10	2	83%
Krizanic, Tina	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р			12	0	100%
Logue, Marty	Р	Р	Р	Α	Р	Р	Р	Р	Р	Р	Р	Р			11	1	92%
Rosso, Caitlin	Α	Р	Α	Α	Р	Р	Α	Р	Р	Р	Р	Α			7	5	58%
Haugen, Dan	Α	Р	Р	Р	Α	NA	NA	NA	NA	NA	NA	NA			3	2	60%
Hughes, Pat	Α	Р	Р	Р	Р	Р	Р	Α	Р	Р	Р	Р			10	2	83%
Present or Available	4	7	6	5	6	6	4	5	6	7	6	6	0	0			

KEY:



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Meets Requirements? Yes No

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(Please print clearly)

Board/Committee of Interest Specific Category/Vacancy on Board Alternate Board Member Residential Address \_\_ Length of Residence Birminahan Residential City, Zip \_\_\_ Occupation / Business Address Business City, Zip Reason for Interest: Explain how your background and skills will enhance the board to which you have applied Enhancing is my hope + I am a reader and recognize in myself (and the general public) a lack of knowledge and understanding of our own history. I want to listen and learn enthusiastically, instigating curiosity in our community List your related employment experience Varied 1 But every bit we learn below us with other tasks -, Shabbat School Coordinator, Cussing Grand, AV galley sales, waterwiers housecleaner, gardener & waitness! List your related community activities Not as much as I would have liked to do I voluntered at lembroke Gem. Sall library and local Vacarion Pable Schools now that our 3 children are grown - more time to help out I Crossing grand with Bilan Mice Dept & frequent visits to the library plus lots of wallary & bicycling around have given me a deep List your related educational experience Inchelor of Mrs University of Michigan, Constitute of Spekin French - Alliance Transaction To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain: \_\_\_\_\_\_ Do you currently have a relative serving on the board/committee to which you have applied? Are you an elector (registered voter) in the City of Birmingham? Signature of Applicant

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to Updated 8/16/17



According to section 2-326 of the Birmingham City Code, "Immediately following an election, employment or appointment of a City official or employee, the City Clerk shall provide the

individual with an Affidavit and Disclosure Statement form. Within twenty days after election, appointment, employment or any change in the facts set forth in the City official's or employee's previously filed Affidavit and Disclosure Statement, all City officials and employees shall file with the City clerk an Affidavit and Disclosure Statement." Chapter 2 – Effective April 28, 2003

Date		hune 25 2021
Name	=/	Mexandra Harvis
Posit	ion/Bo	pardMuseum
1.	any int	best of your knowledge do you or any members of your immediate family own terest in real property located within the City of Birmingham, in land contiguous to by of Birmingham, or in any area to which the City of Birmingham is party?
2.		r answer to question 1 is affirmative, to the best of your knowledge state the ng information for each such interest owned:
	a.	The nature of your interest in the real property
	b.	The location of the real property (for improved property, provide the street address; for unimproved property state its location in relation to existing streets)
	c.	The property's permanent real estate tax identification number
3.	percen	best of your knowledge, do you or a member of your immediate family own five of (5%) or more of any business entity located in the City of gham?
4.	If your	answer to question 3 is in the affirmative, state the following, to the best of your edge:
	a.	The name of the entity
	b.	The address of the entity
	C.	The nature of your relationship to the entity
	d.	The date relationship commenced

5.	direct financia of the City of	f your knowledge, do you on It or business relationships of It Birmingham from which If tfift that is not reported in th	with any supplier, service n you or they derive di	provider or contractor
6.	or received and exceeds \$50.0 time period is business w	of your knowledge, have young gifts, other than from in 20, within the last year, or is shorter, to or from any with the City, other when the following information for the city of	mmediate family member since the effective date of person or business or ot than legal camp	rs, the value of which f this code, whichever her legal entity doing
	IES OF R/DONEE	ADDRESS	DATE GIFT RCVD/DONATED	NATURE OF GIFT
"I hav	ve read and I unnowledge, I am	nderstand the Code of Ethion not in conflict with its provi	cs of the City of Birmingh isions."  Signature of city official or	B 6/25/2.
	D. L.P.	of Oakland, Mich	higan All NOT/	EXANDRIA D. BINGHAM NRY PUBLIC, STATE OF MI COUNTY OF OAKLAND
	ture of Notary ommission expir	res No. 2, 2026.	MA COM	MISSION EXPIRES Nov 2, 2026 IN COUNTY OF COLC ICOCO
Acce	oted by	FOR OFFI	CE USE ONLY Date	



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- Building Owner within the Parking Assessment District
- Restaurant owner within the Parking Assessment District
- Representative of a professional firm within the Parking Assessment District

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· Licensed architect and resident of Birmingham

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· Resident of Birmingham

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· Urban planning, architecture or design education and/or experience.

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Resident of Birmingham.

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· Registered to vote in Birmingham.

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## TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY

Ownership or business interest in property located in the Development Area.

# Birmingham City Commission Minutes July 12, 2021 7:30 p.m.

#### **Municipal Building, 151 Martin**

Vimeo Link: <a href="https://vimeo.com/event/3470/videos/568732055/">https://vimeo.com/event/3470/videos/568732055/</a>

#### I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Pierre Boutros, Mayor, opened the meeting with the Pledge of Allegiance.

#### II. ROLL CALL

Alexandria Bingham, City Clerk, called the roll.

Present: Mayor Boutros

Mayor Pro Tem Longe Commissioner Hoff Commissioner Host Commissioner Nickita Commissioner Sherman

Absent: Commissioner Baller

Administration: City Manager Markus, City Clerk Bingham, BSD Operations & Event Manager Brook, City Planner Cowan, City Planner Dupuis, Planning Director Ecker, Operations Commander Grewe, City Attorney Kucharek, Consulting City Engineer Surhigh

## III. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS, INTRODUCTION OF GUESTS AND ANNOUNCEMENTS.

#### **ANNOUNCEMENTS**

The City Commission wishes Mayor Pro Tem Longe a happy birthday!

#### IV. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

Paul Reagan opined that the Commission agendas tend to focus more on commercial matters than residential matters. He encouraged residents to run for elected office in the City if they would like to see more of a residential focus at the Commission level.

Oakland County Commissioner Chuck Moss shared his contact information and provided brief updates. He said that as a Birmingham resident he was also pleased with the City's emergency services response to the recent storms and thanked them for their work.

#### V. CONSENT AGENDA

All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a roll call vote. There will be no separate discussion of the items unless a

commissioner or citizen so requests, in which event the item will be removed from the general order of business and considered under the last item of new business.

#### 07-178-21 Consent Agenda

The following items were pulled from the Consent Agenda:

Commissioner Hoff: Item E – 2021 Birmingham Cruise

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Nickita:

To approve the Consent Agenda with the exception of Item E.

ROLL CALL VOTE: Ayes, Commissioner Sherman

Commissioner Nickita

Mayor Boutros Commissioner Host Mayor Pro Tem Longe Commissioner Hoff

Nays, None

- A. Resolution to approve the City Commission Joint Planning Meeting minutes of June 21, 2021.
- B. Resolution to approve the City Commission meeting minutes of June 28, 2021.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated June 30, 2021, in the amount of \$1,855,327.66.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated July 7, 2021, in the amount of \$825,847.61.
- F. Resolution to approve a request from the City of Birmingham Department of Public Services for a special event permit to hold the 2021 In the Park Concert series in Shain Park on the dates as presented, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.
- G. Resolution to approve the TouchPrint 5600 cabinet booking station fingerprinting system purchase from IDEMIA, a sole source vendor, in the amount of \$18,094.00; further to waive normal bidding requirements and authorize this expenditure to the general fund police LEIN/CLEMIS expense account #101-301-000-731.0000.
- H. Resolution to authorize the IT department to purchase the components to upgrade the existing Mitel phone system and replace the ESNA Voicemail system as proposed, from BSB Communications. With a total cost of the upgrade, parts and labor not to exceed \$35,221.25 using funds in the network upgrade account 636-228.000-973.0400.
- I. Resolution to set a public hearing date for August 9, 2021 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 300 394 S. Old Woodward and a portion of 294 E. Brown to allow a new building for Restoration Hardware, including a restaurant operating with an Economic Development Liquor License.

J. Resolution to authorize the City Manager to cast a vote, on the City's behalf, for the five (5) candidates of the Michigan Municipal League Workers' Compensation Fund for four year terms, beginning October 1, 2021.

#### 07-179-21 **2021 Birmingham Cruise**

BSD Operations & Event Manager Brook clarified that the whole geographic area described in the memo would be used for the event. She also stated that the 2021 Birmingham Cruise event would have a tiered teardown with a noon Sunday deadline for completion.

**MOTION:** Motion by Commissioner Hoff, seconded by Mayor Pro Tem Longe:

To approve a request from the Birmingham Shopping District to hold the scaled-down 2021 Birmingham Cruise special event on Saturday, August 21, 2021, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any modifications or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event, due to health and safety measures.

ROLL CALL VOTE: Ayes, Commissioner Sherman

Commissioner Nickita

Mayor Boutros Commissioner Host Mayor Pro Tem Longe Commissioner Hoff

Nays, None

#### VI. UNFINISHED BUSINESS

#### **VII. NEW BUSINESS**

07-180-21 Public Hearing for a Rezoning Request for 300 - 394 S. Old Woodward and a portion of 294 E. Brown Street from D3 to D4

The Mayor opened the public hearing at 7:47 p.m.

PD Ecker presented the item.

Steve Sebastian, Vice President of Real Estate for RH, Victor Saroki, architect for the project, Paul O'Meara, traffic engineer for the project, and Rick Rattner, attorney for the project, spoke on behalf of the request.

Elise Wallace, Director of Gallery Openings for RH, and Michael Avellone, Director, Architecture & Design Galleries for RH were also present on behalf of the project.

In reply to Commissioner Hoff, Mr. Sebastian confirmed that RH has built about a dozen new buildings. He stated there are also 11 RH buildings with restaurants and an additional seven going through the process of being retrofitted with restaurants. He also confirmed that the restaurant is open to the public.

It was noted that RH employees would park in the City parking structures.

In reply to Mr. Rattner, CA Kucharek confirmed that a letter had been provided by the applicant team voluntarily making the rezoning contingent on limiting the structure to four stories. CA Kucharek read the letter into the record.

Commissioner Sherman noted that the peak parking usage times for RH are Saturdays, Sundays, and weekdays after 4 p.m., where the parking structures' peak usages are Tuesday, Wednesday, and Thursday 11 a.m. to 2 p.m. He stated that it was unlikely that there would be overflow traffic in the nearby neighborhoods as a result. He stated that the issue could be dealt with if it were to occur. He stated that excess valet parking would use the parking structures.

PD Ecker confirmed that it was not uncommon for the Commission to approve a rezoning before approving a site plan. She cited 420 E. Frank as one example where this occurred, and Commissioner Sherman cited Whole Foods as another.

In reply to Commissioner Nickita, PD Ecker confirmed that D3 and D4 allow for the same uses. This rezoning seeks to allow a fourth-floor restaurant instead of residential, and for the building to be one foot taller than would otherwise be allowed in D3.

Mr. Sebastian told Commissioner Host that Ron Boji is on the applicant team but would not be an owner of the development.

In reply to Commissioner Host, Mr. Saroki explained that the applicant team was pursuing the rezoning more to allow for the fourth-floor restaurant. He said the height of 69 feet was preferable to 68 feet but not as essential.

In reply to Commissioner Host, Mr. O'Meara stated that the traffic study used the standardized numbers for a furniture store and a restaurant to calculate impact.

Mayor Pro Tem Longe said she would like the Commission to recommend the APC consider residential permit parking and appropriate police enforcement for the residential areas near RH. She said she hoped to see RH advertise Birmingham's parking decks on its website in order to inform out-of-town visitors. Mayor Pro Tem Longe noted that when the Chicago location of RH opened there were initially issues between the nearby residents and RH. She cautioned the applicant team that she did not want to see the same initially contentious dynamic replicated in Birmingham.

Mr. Saroki said that the management of RH is responsive to neighbors' concerns. He noted that the Chicago RH is in a much more residential area than Birmingham's.

The Mayor Pro Tem said the Commission should also direct the Planning Board to make the rezoning process clearer, in terms of whether the preliminary and final site plans should be done before rezoning or whether the rezoning should be done before preliminary and final site plans. She said it would benefit the City and developers to have clarity of process.

#### **Public Comment**

Don Amalfitano, manager of Caldwell Banker, said he was concerned about traffic, parking and safety issues that could result from RH using their drive aisle. He said he would support RH installing gates on Caldwell Banker's parking lot instead to prevent unauthorized use.

Jim Arpin said he was concerned about the Parking Assessment District's (PAD) capacity and vendor parking for RH. He asked the City to consider assessing RH as part of the PAD.

Jeff Hockman, Chair of the BSD, spoke on behalf of the BSD in support of the RH development.

Mr. Reagan said he wanted the Commission to take preventative measures so that parking for RH would not adversely impact the nearby residential areas.

Andrew Haig expressed concern about sound carrying from the rooftop restaurant into the residential areas. He also spoke of the potential parking loss that would occur as part of Phase III of the S. Old Woodward project, and said that the RH plans needed to be re-reviewed in light of the Phase III plans.

Mr. Bloom expressed concerns about the development's potential impact on parking.

The Mayor closed the public hearing at 9:29 p.m.

Mr. Saroki stated that if issues arose with using the drive aisle at Caldwell Banker for the valet, the valet contingency plan would be to take Hazel, to Woodward, to Maple, to Brown to return vehicles. He noted that RH would generate the most vehicular traffic outside of Caldwell Banker's business hours. He also noted that since RH would host no special events the valet traffic would be very incremental.

PD Ecker noted that no gates on parking lots had been approved in her time with the City.

Mr. Amalfitano clarified that he would be hoping to dissuade anyone not visiting Caldwell Banker from using its parking lot or drive aisle.

Commissioner Sherman observed that the proposed motion for this item focused only on the proposed rezoning. He stated that the other concerns raised during the present discussion, such as parking and valet, would be more relevant to the potential future review of the Final Site Plan and SLUP.

Mr. Saroki confirmed that the applicant team would work out any potential valet issues. He reiterated that RH's use of parking would be on Saturdays and Sundays, and then after 4 p.m. on weeknights, which are low-demand times for the City's parking.

PD Ecker noted that the peak utilization of the nearby Pierce and Peabody decks in July 2021 was 65% between the hours of 10 a.m. and 2 p.m. on weekdays. She confirmed Commissioner Sherman's comments that this item only regards the rezoning of the parcel, and that the Final Site Plan and SLUP would be brought to the Commission in the future for its review if the project proceeds.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Nickita:

To approve the rezoning of the new parcel encompassing 300 – 394 S. Old Woodward and portions of 294 E. Brown from B-2 (General Business) and D-3 (Downtown Overlay) to B-2 (General Business) and D-4 (Downtown Overlay) conditional upon the building being done pursuant to the site plan, as voluntarily given by the applicant, pursuant to a letter dated and accepted July 12, 2021 by attorney Richard Rattner.

Commissioner Host said he wanted the applicant to reduce the building's requested height by a foot. He said there was no call for rezoning and that he would be voting against the motion.

Commissioner Nickita cited the recommendations of the Planning Board and Planning Staff, as well as his own review, to proceed with this item. He explained the rezoning was thoroughly considered and saw no reason to diverge from the recommendation.

Commissioner Hoff said she would support the motion, but noted that both this and the next item on the agenda arise out of aspects of the RH project.

Mayor Pro Tem Longe concurred with Commissioner Hoff. She said that while she had concerns about parking in the neighborhoods, she thought this proposal was the best-case scenario for development on the lot since RH's highest parking demand times occur opposite the parking structures' busiest periods. She asserted that this proposal is better for the area in terms of parking demand than what the developer would be able to do by right if the zoning were left as-is.

Mayor Boutros explained the project was a superlative fit to the downtown. He expressed confidence that the applicant team would continue working to address any concerns about the project, and said the project met the qualifications for rezoning.

#### **Public Comment**

David Bloom told the Commission their obligation was to protect the interests of the residents. He expressed concern that not enough review and study was going into consideration of this project.

Mr. Reagan reiterated his concerns that this project's impact on parking was not being sufficiently considered.

ROLL CALL VOTE: Ayes, Commissioner Sherman

Commissioner Nickita

**Mayor Boutros** 

Mayor Pro Tem Longe Commissioner Hoff

Nays, Commissioner Host

07-181-21 Public hearing for the application to amend the Economic Development License Map in Appendix C; Exhibit 1 of the Zoning Ordinance to include 300-394 S. Old Woodward and a portion of 294 E. Brown Street

The Mayor opened the public hearing at 9:58 p.m.

CP Cowan presented the item.

Kelly Allen, attorney for the project, spoke on behalf of the request.

Commissioner Nickita said it was appropriate to the expand the economic development license (EDL) map to include 300-394 S. Old Woodward and a portion of 294 E. Brown Street since the map in general aims to activate areas outside of Woodward and south of Brown. He noted that the original map was based on best estimates of where that development should be encouraged and not hard and fast rules.

#### **Public Comment**

Mr. Bloom asked that the rooftop restaurant be oriented to the east instead of the west to mitigate the potential noise carrying from the rooftop restaurant into the neighborhoods.

The Mayor closed the public hearing at 10:18 p.m.

**MOTION:** Motion by Mayor Pro Tem Longe, seconded by Commissioner Nickita:

To approve an amendment to Chapter 126, Zoning Ordinance, Appendix C, Exhibit 1, Licenses for Economic Development to include 300-394 S. Old Woodward and a portion of 294 E. Brown Street to be eligible for an Economic Development License.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Longe

Commissioner Nickita

Mayor Boutros Commissioner Hoff Commissioner Host Commissioner Sherman

Nays, None

The meeting paused at 10:19 p.m. for a brief break.

The meeting reconvened at 10:27 p.m.

## 07-182-21 Public Hearing for 115 Willits — MARE Mediterranean — Special Land Use Permit, Final Site Plan & Design Review

The Mayor opened the public hearing at 10:27 p.m.

PD Ecker reviewed the item.

Nino Cutraro and Jay Feldman, owners, and Kelly Allen, attorney for the project, were present on behalf of the request.

In reply to Commissioner Hoff, PD Ecker confirmed that the Engineering Department had reviewed the outdoor dining proposal and had no objections to the plans.

In reply to Commissioner Hoff, Ms. Allen explained that the liquor license for this applicant is tied to the land through the lease.

PD Ecker confirmed that the hours of operation meet the City's requirements.

The Mayor closed the public hearing at 10:41 p.m.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Nickita: To approve the Special Land Use Permit, Final Site Plan and Design Review application for 115 Willits – MARE Mediterranean;

**AND** 

To authorize the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and to approve the liquor license request of Hospitality Birmingham, LLC that requests a transfer of interest in a Class C License to be issued under MCL 436.1521(A)(1)(B) and SDM License (AM and PM) with Outdoor Service, and an Entertainment Permit located at 115 Willits, Birmingham, Oakland County, MI 48009.

Furthermore, pursuant to Birmingham City Ordinance, to authorize the City Clerk to complete the Local Approval Notice at the request of Hospitality Birmingham, LLC approving the liquor license transfer

request of Hospitality Birmingham, LLC that requested a Class C License be transferred under MCL 436.1521 (A)(1)(B) & SDM License with Outdoor Service and an Entertainment Permit located at 115 Willits, Birmingham, Oakland County, MI 48009.

ROLL CALL VOTE: Ayes, Commissioner Sherman

Commissioner Nickita

Mayor Boutros Commissioner Hoff Commissioner Host Mayor Pro Tem Longe

Nays, None

07-183-21 Public Hearing for 176 S. Old Woodward — Sushi Japan — Special Land Use Permit, Final Site Plan & Design Review

The Mayor opened the public hearing at 10:42 p.m.

PD Ecker presented the item. She noted that the Engineering Department requested changes to the outdoor dining plan.

John Gardner, architect for the project, was present on behalf of the application. He stated that plans complying with the Engineering Department's requests were submitted to the Planning Department on July 9, 2021. He explained that the four-top table to the north would remain, the two-top table to the south along the street side would be removed, the fence along the south side would be removed, the southernmost planter would be removed, and all outdoor dining items would be moved back an additional 12 inches from the street.

The Mayor closed the public hearing at 11:00 p.m.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner Host:

To approve the Special Land Use Permit, Final Site Plan and Design Review application for 176 S. Old Woodward – Sushi Japan conditioned upon the changes that were stated.

In reply to Commissioner Nickita, PD Ecker explained that the Commission did not receive a copy of the updated site plans because the plans were submitted after the Wednesday noon deadline for agenda submissions and because she was out-of-office Monday afternoon when the updated plans were submitted.

CM Markus recommended that the approval be conditioned upon the changes that were identified during the discussion of the item.

ROLL CALL VOTE: Ayes, Commissioner Hoff

Commissioner Host Commissioner Sherman Mayor Pro Tem Longe Commissioner Nickita

**Mayor Boutros** 

Nays, None

## 07-184-21 Public Hearing 239 N. Old Woodward — Bloom Bistro — Special Land Use Permit, Final Site Plan & Design Review

The Mayor opened the public hearing at 11:01 p.m.

CP Dupuis presented the item. He confirmed that the Planning Board was in favor of locating some of the outdoor seating in the via order to activate the via, per the activation overlay district goals. He also noted the location of the shared compactor to be used in the rear of the building.

The Mayor closed the public hearing at 11:06 p.m.

**MOTION:** Motion by Mayor Pro Tem Longe, seconded by Commissioner Host:

To approve the Special Land Use Permit, Final Site Plan and Design Review application for 239 N. Old Woodward – Bloom Bistro.

Commissioner Nickita spoke positively of the plan to locate some of the outdoor seating in the via, and said he would like to see other restaurants follow suit wherever possible.

The Mayor concurred with Commissioner Nickita.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Longe

Commissioner Host Commissioner Sherman Commissioner Nickita Mayor Boutros

Commissioner Hoff

Nays, None

## 07-185-21 Evergreen-Farmington Sanitary Drainage Drainage District Chapter 20 Section 471 Agreement

Consulting City Engineer Surhigh introduced the item. Carrie Cox, chief engineer from the Oakland County Water Resource Commissioner's Office, presented the item.

**MOTION:** Motion by Commissioner Host, seconded by Commissioner Sherman:

To approve the Chapter 20 Section 471 Agreement with the Evergreen-Farmington Sanitary Drain Drainage District, agreeing to pay the City's share of apportioned costs related to the capital improvements described in said agreement. The total amount of the City's share of the cost is \$79,970: to be charged to 590-536.001-981.0100, Sewer Fund, Public Improvements. Also, to direct the Mayor to sign the agreement on behalf of the City.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Longe

Commissioner Host Commissioner Sherman Commissioner Nickita

Mayor Boutros Commissioner Hoff

Nays, None

9 July 12, 2021

## 07-186-21 Parking Structure Repairs

Ops. Cmdr. Grewe presented the item.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner Host:

To approve the addendum to the Parking Structural Assessment Program with Wiss, Janney, Elstner Associates, Inc. (WJE) to include the design and bid documentation preparation of parking structure repairs, not to exceed \$50,000, to take place during the 2021 construction season. Furthermore, to authorize the Mayor and City Clerk to sign the contract on behalf of the city.

ROLL CALL VOTE: Ayes, Commissioner Hoff

Commissioner Host Commissioner Sherman Commissioner Nickita

Mayor Boutros

Mayor Pro Tem Longe

Nays, None

07-187-21 Closed Session Pursuant to the OMA at MCL § 15.268 Sec. 8(h)

(A roll call vote is required and the vote must be approved by a 2/3 majority of the commission. The commission will adjourn to closed session after all other business has been addressed in open session and reconvene to open session, after the closed session, for purposes of taking formal action resulting from the closed session and for purposes of adjourning the meeting.)

The Mayor explained that after consultation with the City Attorney he decided to recuse himself from this item based on a potential professionally-based conflict of interest.

**MOTION:** Motion by Commissioner Host, seconded by Commissioner Hoff:

To meet in closed session to discuss a written Attorney/Client Privilege communication pursuant to the OMA at MCL § 15.268 Sec. 8(h).

ROLL CALL VOTE: Ayes, Commissioner Host

Commissioner Hoff Commissioner Sherman Mayor Pro Tem Longe Commissioner Nickita

Nays, None

Recused, Mayor Boutros

The Commission, with the exception of Mayor Boutros, went into closed session at 11:35 p.m.

The Commission reconvened into open session at 11:47 p.m.

10 July 12, 2021

Commission discussion on items from prior meeting.

None.

Commission Items for Future Discussion. A motion is required to bring up the item for future discussion at the next reasonable agenda, no discussion on the topic will happen tonight.

None.

## VIII. REMOVED FROM CONSENT AGENDA

## IX. COMMUNICATIONS

A. Letter from Birmingham Roast

CM Markus explained why he was not be supportive of granting an exception to the City's requirement that all Covid-19 related temporary outdoor dining structures be dismantled by July 14, 2021.

The Mayor echoed CM Markus' statement that the City no longer had to legal basis for extending the temporary outdoor dining regulations.

Commissioner Nickita also reiterated CM Markus' point that to make any exception could expose the City to legal liability.

CA Kucharek confirmed Commissioner Nickita's comment and added that the City's ordinances legally require the City to follow the ordinances as written. She said that outdoor dining in the City could change if and when changes to the ordinances are made.

## X. REPORTS

- A. Commissioner Reports
  - 1. Notice to Appoint: Advisory Parking Committee
- **B.** Commissioner Comments

Commissioner Host expressed disappointment with the Commission's discussion of food trucks at its previous meeting. He spoke in favor of requests for proposals for the position of City Attorney and for the conduction of the City's annual audit. He said he hoped future audits would focus more on the neighborhoods.

- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff

## XI. ADJOURN

Mayor Boutros adjourned the meeting at 11:49 p.m.

11 July 12, 2021

Check Number	Early Release	Vendor #	Vendor	Amount
PAPER CHECK				
280215	*	006965	7UP DETROIT	155.00
280217	*	007266	AETNA BEHAVIORAL HEALTH LLC	448.50
280218	*	002670	MIKE ALBRECHT	71.00
280219		000951	ALL AMERICAN CASH REGISTER	180.00
280220		009253	ANDRUS ARCHITECTURE INC	17,860.93
280221		008977	JOBMATCH LLC DBA APPLICANTPRO	389.00
280222	*	000500	ARTECH PRINTING INC	124.00
280223	*	004027	AUTOMATED BENEFIT SVCS INC	11,274.37
280225	*	MISC	BARBARA ROGERS	450.00
280226	*	003839	MATTHEW J. BARTALINO	259.41
280227		008036	BERMUDA SANDS	652.19
280228		002231	BILLINGS LAWN EQUIPMENT INC.	70.36
280230		MISC	BLOOMFIELD CONSTRUCTION CO	100.00
280231		MISC	BLOOMINGDALE CONSTRUCTION COMPANY I	1,400.00
280232		MISC	BLOOMINGDALE HOMES INC	10,000.00
280233		004244	BOLYARD LUMBER	370.32
280234		003526	BOUND TREE MEDICAL, LLC	1,560.57
280235		MISC	BRIAN JAMES BARRICK	300.00
280236		MISC	BRIAN LORENZ	975.00
280237		006966	BRIDGESTONE GOLF, INC	285.00
280238	*	006953	JACQUELYN BRITO	15.00
280239	*	006520	BS&A SOFTWARE, INC	6,300.00
280241	*	009281	C.E. GLEESON CONSTRUCTORS INC	371,469.60
280242		003907	CADILLAC ASPHALT, LLC	687.75
280243		MISC	CAMPBELL INDUSTRIAL CONTRACTORS	500.00
280244		009078	CANON SOLUTIONS AMERICA INC	220.47
280245		009168	CHET'S CLEANING INC	250.00
280246		000605	CINTAS CORPORATION	25.24
280247		MISC	CITI ROOFING CO	100.00
280248	*	000912	MARK CLEMENCE	94.01
280249	*	004026	COFINITY	1,539.00
280250	*	008955	COMCAST	331.01
280251	*	007774	COMCAST BUSINESS	258.35
280253		008512	COOL THREADS EMBROIDERY	997.85
280254		006104	DAPHNE'S HEADCOVERS	121.95
280255	*	006907	DENTEMAX, LLC	154.80
280256		MISC	Deporre Building	550.00
280257		MISC	DETROIT BUILD INC	550.00
280258		MISC	DINDO, JOSEPH F	1,000.00
280259		MISC	DPS INC	1,000.00
280260		MISC	Dr. Louie Khouri	100.00
280261	*	000179	DTE ENERGY	32.14

Check Number	Early Release	Vendor #	Vendor	Amount
280262	*	000179	DTE ENERGY	834.49
280263	*	000179	DTE ENERGY	501.10
280264	*	000179	DTE ENERGY	1,063.11
280265	*	000179	DTE ENERGY	63.53
280266	*	000179	DTE ENERGY	35.70
280267	*	000180	DTE ENERGY	41,706.77
280268		MISC	E F DEERING CO	300.00
280269		000274	E-Z-GO DIVISION OF TEXTRON INC	8,001.47
280270	*	007538	EGANIX, INC.	720.00
280271		008581	ENGLISH GARDENS	46.93
280272	*	009100	ENZO WATER SERVICE	500.00
280273		MISC	ESTHER BOWERS	500.00
280274	*	004574	FAIR-WAY TILE & CARPET, INC.	5,843.00
280275		000936	FEDEX	25.59
280276		MISC	FIRST CHOICE BUILDING & MAINTENANCE	5,500.00
280277		MISC	FIVE STAR PROPERTY	100.00
280278	*	009307	FLS PROPERTIES #5, LLC	48,200.09
280279		MISC	FOUNDATION SYSTEMS OF MICHIGAN INC.	200.00
280280		MISC	FOUR SEASONS GARDEN CENTER	100.00
280281		MISC	FREDERICK ATWELL	2,500.00
280282		MISC	FRESHWATER, BRIAN D	200.00
280283		MISC	G & M GUTTER COMPANY INC	200.00
280284		MISC	GOLF EMS INC.	805.35
280285	*	004604	GORDON FOOD	2,656.79
280286		008293	GRAINGER	258.58
280287		009275	GREAT LAKES COCA-COLA DISTRIBUTION	302.90
280288		MISC	GREATER DETROIT LANDSCAPE CO.	100.00
280289		MISC	GREEN, BLAKE G	100.00
280290		001531	GUNNERS METER & PARTS INC	880.00
280291	*	001956	HOME DEPOT CREDIT SERVICES	399.21
280292		MISC	HOME DEPOT USA INC	500.00
280293		MISC	HOME INSPECTION PLUS INC	100.00
280294		006416	HUNTINGTON WOODS POOLS & SPAS, INC	45.00
280295		003888	INTERNATIONAL CODE COUNCIL INC	1,123.26
280296		MISC	J & J EXCAVATING LTD	1,000.00
280297		000344	J.T. EXPRESS, LTD.	5,044.44
280298	*	009299	JACK D. PESHA	7.00
280299	*	MISC	JACK TODD- PETTY CASH	922.70
280300		009249	JOHN C COOK	100.00
280301		MISC	JOHN MCCARTER CONSTRUCTION LLC	500.00
280302		004088	KGM DISTRIBUTORS INC	1,112.00
280303	*	000362	KROGER COMPANY	19.90
280304		MISC	KUHN JR, MICHAEL	100.00

Check Number	Early Release	Vendor #	Vendor	Amount
280305		006817	LEXISNEXIS RISK DATA MANAGEMENT INC	100.00
280307		MISC	LIVE WELL CUSTOM HOME LLC	5,900.00
280308		MISC	LIVONIA BUILDERS GRANDOVER PAR	750.00
280309		MISC	LMB PROPERTIES LLC	2,000.00
280310		MISC	MB Architecture & Design, LLC	500.00
280311		009085	MGSE SECURITY LLC	125.00
280311	*	009085	MGSE SECURITY LLC	100.00
280312		007479	MICHIGAN BREAD BAKERY	92.85
280314	*	001253	MICHIGAN MUNICIPAL RISK	4,162.00
280317		MISC	MILLER LANDSCAPE INC	200.00
280318		008509	MOBILE DUELING PIANOS	750.00
280319	*	007744	MOHAMED F. CHAMMAA	23.52
280320	*	008160	MPARKS	1,255.00
280323	*	009276	NEWTONS SOLUTIONS LLC	2,800.00
280324		MISC	NICHOLAS A GUY	100.00
280325		MISC	NICK REDDIG	130.00
280326		MISC	NIGHTINGALE COMPANY	200.00
280327		MISC	NORTHSTAR PAINTING	100.00
280328		MISC	OAK CONSTRUCTION	100.00
280329	*	001686	OAKLAND CO CLERKS ASSOC	50.00
280330		001174	OAKLAND CO MEDICAL CONTROL AUTH.	75.00
280331		004370	OCCUPATIONAL HEALTH CENTERS	52.00
280331	*	004370	OCCUPATIONAL HEALTH CENTERS	231.00
280332	*	000481	OFFICE DEPOT INC	73.49
280333		MISC	PATTERSON, CRAIG	100.00
280334	*	001753	PEPSI COLA	658.16
280335		MISC	PROSIGN AND AWNING	200.00
280336		007797	QUADIENT LEASING USA, INC.	211.32
280336	*	007797	QUADIENT LEASING USA, INC.	211.32
280337		MISC	RACHEL FELONG KELTER	1,000.00
280338		005379	RED WING BUSINESS ADVANTAGE ACCT	25.51
280339		008852	REDGUARD FIRE & SECURITY	300.00
280340		007305	REFRIGERATION SERVICE PLUS	262.00
280341		002566	REYNOLDS WATER	143.13
280342	*	002806	SAM'S CLUB/SYNCHRONY BANK	441.94
280343	*	009302	SARAH MISTRETTA	2,577.64
280344		MISC	SAS SERVICES INC	100.00
280345		MISC	SIGNS-N-DESIGNS, INC	200.00
280346		008150	SITEIMPROVE, INC	2,581.38
280347	*	008073	SITEONE LANDSCAPE SUPPLY, INC	123.86
280348		MISC	SMITHS WATERPROOFING	200.00
280349		MISC	SMOLYANOV HOME IMPROVMENT	100.00
280350		MISC	SMOOTH FINISH CONCRETE & CONSTRUCTI	100.00

Check Number	Early Release	Vendor #	Vendor	Amount
280351		000260	SPARTAN DISTRIBUTORS INC	131.47
280352		MISC	SPARTAN PAVING	100.00
280353		007503	SYDNEY SOLUTIONS LLC	239.00
280354		MISC	TAFELSKI, JOHN	200.00
280355		000286	TARGET SPECIALTY PRODUCTS	751.13
280356		008748	TECHSEVEN COMPANY	317.05
280357		MISC	TEMPLETON BUILDING COMPANY	200.00
280358		MISC	THOMAS SEBOLD & ASSOCIATES, IN	500.00
280359		004379	TURNER SANITATION, INC	150.00
280359	*	004379	TURNER SANITATION, INC	170.00
280360		008941	UPTOWN MARKET OF BIRMINGHAM	58.27
280361		MISC	USZTAN LLC	100.00
280362		007226	VALLEY CITY LINEN	191.10
280363		MISC	VANDERHOEF CONSTRUCTION, LLC	200.00
280364	*	000158	VERIZON WIRELESS	76.02
280365	*	000158	VERIZON WIRELESS	152.30
280366		006491	VILLAGE AUTOMOTIVE	642.94
280367		MISC	WECHSLER CONSTRUCTION LLC	200.00
280368		001490	WEST SHORE FIRE INC	609.04
280369	*	001536	JEFFREY WHIPPLE	114.45
280370		MISC	WISE, ADAM P	2,500.00
280371	*	005112	WOLVERINE	308.60
280372	*	008391	XEROX CORPORATION	521.71
280373		007999	ZEROFRICTION, LLC	57.56
280374		MISC	ZLM SERVICES LLC	200.00
			SUBTOTAL PAPER CHECK	\$604,538.49
ACH TRANSACTI	ON			
3966	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	28,427.35
3967	*	002284	ABEL ELECTRONICS INC	640.88
3968		009126	AMAZON CAPITAL SERVICES INC	1,235.52
3969	*	007345	BEVERLY HILLS ACE	159.92
3970		006683	BIRMINGHAM LAWN MAINTENANCE	646.00
3971	*	008840	BIRMINGHAM PUBLIC SCHOOLS-TAXES	17,465.67
3972	*	000542	BLUE WATER INDUSTRIAL PRODUCTS INC	115.50
3973		007875	CANFIELD EQUIPMENT SERVICE INC.	4,990.00
3974		009297	CITY OF BIRMINGHAM #245	41,274.40
3975	*	008044	CLUB PROPHET	540.00
3976	*	001077	DUNCAN PARKING TECH INC	12,005.94
3977		006181	FIRST CHOICE COFFEE SERV	149.01
3978	*	000243	GRAINGER	380.08
3979	*	007870	J.C. EHRLICH CO. INC.	78.00
3980		009298	JCR SUPPLY INC	866.05
3981	*	003458	JOE'S AUTO PARTS, INC.	186.88

Check Number	Early Release	Vendor #	Vendor	Amount
3982		000155	JOHNSON CONTROLS SECURITY SOLUTIONS	377.07
3983		004085	KONE INC	2,086.45
3983	*	004085	KONE INC	6,259.35
3984	*	005876	KROPF MECHANICAL SERVICE COMPANY	4,157.50
3985	*	005550	LEE & ASSOCIATES CO., INC.	3,182.08
3986		008158	LOGICALIS INC	9,700.00
3987		000377	MICHIGAN MUNICIPAL LEAGUE	48.72
3988	*	006359	NYE UNIFORM COMPANY	99.00
3989	*	008843	OAKLAND COUNTY TREASURER- TAX PYMNT	33,342.05
3990	*	002767	OSCAR W. LARSON CO.	703.16
3991	*	006027	PENCHURA, LLC	231.00
3992	*	008389	R.C. SYSTEMS, INC.	3,475.00
3993	*	001181	ROSE PEST SOLUTIONS	195.00
3994	*	000969	VIGILANTE SECURITY INC	170.00
3995		008711	VOLVIK USA	686.56
3996	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	14,239.32
			SUBTOTAL ACH TRANSACTION	\$188,113.46
			GRAND TOTAL	\$792,651.95
			=	

All bills, invoices and other evidences of claim have been audited and approved for payment.



Mark Gerber Finance Director/ Treasurer

 $\star$ -Indicates checks released in advance and prior to commission approval in order to avoid penalty or to meet contractual agreement/obligation.

Check Number	Early Release	Vendor #	Vendor	Amount
PAPER CHECK				
280375		004244	BOLYARD LUMBER	308.12
280376	*	008955	COMCAST	258.35
280377		005430	21ST CENTURY MEDIA- MICHIGAN	1,278.25
280378	*	000855	48TH DISTRICT COURT	500.00
280379	*	000855	48TH DISTRICT COURT	100.00
280380		004627	A & L SYSTEMS INC	1,004.85
280381		003708	AIRGAS USA, LLC	238.26
280382	*	MISC	ALEXANDRIA BINGHAM	217.62
280383		MISC	ALPINE CONSTRUCTION INC	300.00
280384		MISC	APG CONSTRUCTION LLC	150.00
280385		000500	ARTECH PRINTING INC	116.00
280386		MISC	ASHOR CONSTRUCTION	200.00
280387	*	006759	AT&T	220.12
280388	*	006759	AT&T	108.01
280389	*	006759	AT&T	108.11
280393		MISC	BIRMINGHAM PLBG CO INC	60.00
280394	*	002982	BLOOMFIELD TWP FIRE DEPT	1,200.00
280395		009215	BOONES EXPRESS LLC	2,795.00
280396		003526	BOUND TREE MEDICAL, LLC	104.22
280397		MISC	BRICKWORKS PROPERTY RESTORATION	100.00
280398		005717	BSB COMMUNICATIONS, INC.	3,961.50
280399	*	009078	CANON SOLUTIONS AMERICA INC	930.35
280401		007732	CAPITAL TIRE, INC.	135.02
280402	*	008993	CAREN PRODUCTS, LLC	265.52
280403	*	000444	CDW GOVERNMENT INC	6,184.01
280404		008306	CHARTER TOWNSHIP OF BLOOMFIELD	1,156.24
280405		007284	CINCINNATI TIME SYSTEMS, INC.	160.00
280406		000605	CINTAS CORPORATION	252.08
280408		009187	CLEARVIEW CAPTIONING LLC	290.00
280409		009167	COL'S FAMILY RESTAURANT	80.89
280410	*	000627	CONSUMERS ENERGY	530.46
280411		008582	CORE & MAIN LP	1,176.20
280412	*	005666	COUNTRYSIDE CONST. CO. INC.	350.00
280413		003923	CUMMINS BRIDGEWAY LLC	518.23
280414		MISC	D & S CONTRACTORS, INC	500.00
280415		008005	DE LAGE LANDEN FINANCIAL SVCS INC	182.44
280416		009309	DEALER AUTO PARTS	305.14
280417		000177	DELWOOD SUPPLY	366.76
280418		008641	DINGES FIRE COMPANY	214.08
280419	*	000180	DTE ENERGY	4,637.42
280420		MISC	EDWARDS PLUMBING & HEATING	720.31
280421		000196	EJ USA, INC.	5,988.40

**5C** 

Check Number	Early Release	Vendor #	Vendor	Amount
280422		004671	ELDER FORD	1,239.71
280424	*	001124	EMPCO INCORPORATED	1,605.00
280425		006876	ENFORCEMENT PRODUCTS INC	3,331.00
280426	*	003158	EXERCISE WAREHOUSE INC	3,575.00
280428		000936	FEDEX	11.78
280429	*	004514	FEDEX OFFICE	22.75
280431	*	008131	FINISHMASTER INC	495.09
280432		006384	GEOGRAPHIC INFORMATION SERVICES, IN	365.43
280434		006153	HARRY'S ARMY SURPLUS	130.00
280435		MISC	HM HOMES LLC	1,400.00
280436	*	001956	HOME DEPOT CREDIT SERVICES	380.76
280437		MISC	HUNTER ROBERTS HOMES	2,000.00
280438		006416	HUNTINGTON WOODS POOLS & SPAS, INC	292.43
280446	*	009299	JACK D. PESHA	19.10
280447	*	MISC	JACK TODD- PETTY CASH	200.48
280448		MISC	James Swift Construction	200.00
280449		005291	KAESER & BLAIR INC	849.38
280450		MISC	KHALIL, JAD	1,489.60
280451	*	009133	KIMBERLY FENCE & SUPPLY	2,134.69
280452		005350	KLM BIKE & FITNESS INC	79.99
280453		005452	KNOX COMPANY	913.00
280454		MISC	KOZA, KENNY Y	16,156.25
280455	*	009287	KYLE KRAFT	982.08
280456	*	002466	MIKE LABRIOLA	54.00
280457	*	MISC	LAMPERTIUS, SAMANTHA	135.45
280458		000888	MCKENNA ASSOCIATES INC	23,986.13
280459	*	009143	MICHAEL SHUKWIT	600.00
280460		007659	MICHIGAN.COM #1008	43.06
280460	*	007659	MICHIGAN.COM #1008	89.23
280462		000230	MIKE SAVOIE CHEVROLET INC	10.52
280463		007163	MOBILE HEALTH RESOURCES	2,021.20
280464	*	007755	NETWORK SERVICES COMPANY	1,070.82
280465	*	000477	OAKLAND COUNTY	453,570.83
280466	*	003461	OBSERVER & ECCENTRIC	695.04
280467	*	004370	OCCUPATIONAL HEALTH CENTERS	104.00
280468	*	000481	OFFICE DEPOT INC	140.58
280469		MISC	PIETRON, LARRY J	100.00
280470		002518	PITNEY BOWES INC	72.67
280471	*	006625	PTS COMMUNICATIONS	78.00
280472	*	009270	PUKKA INC	669.12
280473	*	009270	PUKKA INC	669.12
280474		MISC	READY DIG EXCAVATION	413.54
280475	*	009144	RICHARD TRUDO	1,200.00

heck Number	Early Release	Vendor #	Vendor	Amount
280476	*	MISC	SAFE KIDS MACOMB COUNTY	125.00
280477	*	008073	SITEONE LANDSCAPE SUPPLY, INC	464.70
280478	*	003466	ALAN SOAVE	95.39
280479		MISC	STADLER PLBG & HTG INC	75.00
280480		MISC	TECHHOME BUILDING CO., LLC	550.00
280481		MISC	THEISEN, SHARON M	100.00
280482		MISC	THOMAS SEBOLD & ASSOCIATES, IN	500.00
280483		008694	TIGERPRESS ADMINISTRATION	1,305.00
280484		MISC	TIP TOP SELLS LLC	413.54
280485	*	004379	TURNER SANITATION, INC	205.00
280486	*	009177	VANDYKE HORN PUBLIC RELATIONS LLC	4,150.00
280487		001490	WEST SHORE FIRE INC	451.20
280488		MISC	William Ellis Company	200.00
280489		001438	WINDER POLICE EQUIPMENT	57.00
280490	*	005794	WINDSTREAM	880.17
280491	*	008391	XEROX CORPORATION	157.70
280492	*	008902	ZORO TOOLS, INC.	143.96
280493	*	006759	AT&T	360.97
			SUBTOTAL PAPER CHECK	\$572,103.42
ACH TRANSACT	TION			
3999	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	59,950.73
4000		002909	ACOM SOLUTIONS, INC.	290.57
4001		009126	AMAZON CAPITAL SERVICES INC	1,062.07
4002		002679	ANCHOR WIPING CLOTH CO	192.00
4003	*	000517	BEIER HOWLETT P.C.	42,948.63
4004	*	006683	BIRMINGHAM LAWN MAINTENANCE	570.00
4005	*	007624	BIRMINGHAM OIL CHANGE CENTER, LLC	30.72
4006		006257	C.S. MCKEE LP	2,246.59
4007	*	004232	DEARBORN LITHOGRAPH INC	4,619.00
4008		001023	GABRIEL, ROEDER, SMITH & CO.	5,100.00
4009	*	000592	GAYLORD BROS., INC	71.26
4010	*	000243	GRAINGER	253.29
4011	*	002407	J & B MEDICAL SUPPLY	217.41
4012	*	007870	J.C. EHRLICH CO. INC.	53.00
4013	*	003458	JOE'S AUTO PARTS, INC.	419.11
4014	*	000891	KELLER THOMA	495.00
4015	*	005550	LEE & ASSOCIATES CO., INC.	4,976.80
4017		006812	MUNICIPAL ADVISORY COUNCIL OF MI	100.00
4018	*	007856	NEXT	3,500.00
4019	*	006359	NYE UNIFORM COMPANY	556.23
4020	*	002767	OSCAR W. LARSON CO.	200.00
4021		009231	POLEN CAPITAL MANAGEMENT LLC	20,176.99
4022	*	001181	ROSE PEST SOLUTIONS	355.00

Check Number	Early Release	Vendor #	Vendor	Amount
4023	*	000254	SOCRRA	75.00
4024	*	001097	SOCWA	222,990.60
4025	*	004355	SYMETRA LIFE INSURANCE COMPANY	32,774.54
4026		000273	TERMINAL SUPPLY CO.	71.31
			SUBTOTAL ACH TRANSACTION	\$404,295.85
			GRAND TOTAL	\$976,399.27

All bills, invoices and other evidences of claim have been audited and approved for payment.



Mark Gerber Finance Director/ Treasurer

 $<sup>\</sup>star$ -Indicates checks released in advance and prior to commission approval in order to avoid penalty or to meet contractual agreement/obligation.



## **MEMORANDUM**

## **Department of Public Services**

DATE: July 12, 2021

TO: Thomas M. Markus, City Manager

FROM: Lauren A. Wood, Director of Public Services

**SUBJECT:** Uniform Allowance Order for Teamsters

## INTRODUCTION:

The Department of Public Services (DPS) publicly opened bids titled "DPS Uniforms 2021", Tuesday, June 15, 2021. Bid specifications were placed on the Michigan Intergovernmental Trade Network (MITN). The specification requests pricing for the basic overall uniform clothing items, needed as part of year round operations. We are recommending the ability to purchase from the current vendor for three years, rather than bidding this out every year. The City of Birmingham is currently in negotiations with the Teamsters Local 214.

## **BACKGROUND:**

The Department of Public Services employs approximately thirty (30) Teamsters. Under contractual obligation, which ends June 30, 2021, the Teamsters had a \$300 amount per fiscal year to spend on uniforms. The employees have the ability to purchase approved items such as shirts, pants, boots, jackets, hats and gloves only up to the specified contractual amount as a fiscal year allowance. If an employee goes over this allotment, they are able to personally pay the difference of the overage, or cut back on the items they are ordering. All shirts are required to have the City logo along with the employees name embroidered on the garment.

Uniform purchases have evolved from the old way of reviewing catalogs, ordering items, receiving and returning items that were not right to the latest method of having a store front with the uniform requirements for employees to make a one-stop shop to get the annual uniform allowance. This method for employees to purchase uniforms on an annual basis is much more effective and efficient for all concerned, including the invoicing system.

We received one bid from Contractors Clothing Company. Last year this vendor was the only bidder to meet the bid specifications. This is a three (3) year contract and they have kept their same price from last year for the uniform items over the next three (3) fiscal years.

Contractors Clothing provides a 10% discount on all purchases. Other past bidders could not meet the product selections and were all catalog order vendors. For a total amount to Contractors Clothing Company has a store within 7 miles of Birmingham, which allows the employees easy access to visit and try on garments before purchase. The City of Birmingham has done business with Contractors Clothing before and has been very pleased with their service and quality of goods.

#### LEGAL REVIEW:

This item does not require legal review. In addition, there is no agreement requirement as part of this purchase.

## FISCAL IMPACT:

Funds are budgeted and available from the 2021-2022 Public Services - Uniform Allowance account #101-441.002-743.0000.

## PUBLIC COMMUNICATIONS:

This does not apply for this purchase.

## SUMMARY:

The Department of Public Services recommends awarding this uniform purchase to Contractors Clothing Company for an expected annual cost not to exceed \$12,000.00 per year for items purchased. This will be our fifth year working directly with Contractors Clothing, which is located in Madison Heights. Rather than buy uniform items from a catalog, employees are able to try items on at the store. This bricks and mortar system has been much more efficient for ordering, eliminating returns, saves time for employees and for the administration of this program.

## ATTACHMENTS:

No attachments exist.

## SUGGESTED RESOLUTION:

To approve the purchase of uniforms with Contractors Clothing Company for an expected annual cost not to exceed \$12,000 per year for the Teamster contract uniform allowance for fiscal years 2021-2022, 2022-2023 and 2023-2024. Funds are available for this purchase in the Public Services - Uniform Allowance account #101-441.002-743.0000.



## **MEMORANDUM**

## **Department of Public Services**

**DATE:** July 15, 2021

TO: Thomas M. Markus, City Manager

FROM: Lauren A. Wood, Director of Public Services

**SUBJECT:** Golf Course Fertilizer/Turf Chemicals

## INTRODUCTION:

On Tuesday, June 29, 2021, the Department of Public Services publicly opened bids entitled "Turf Chemicals". This bid includes fertilizers and turf chemicals used at the municipal golf courses to maintain and beautify the turf. The request for proposal (RFP) was entered into the Michigan Inter-governmental Trade Network (MITN) purchasing system.

## **BACKGROUND:**

The pricing for these products are the same from the various vendors. This is based on agency pricing which the product manufacturer determines. Therefore, the price is identical from the bidders. Some of the bidders did not make all of the products available to the City of Birmingham as part of their bid. The City selects the vendors for which to purchase its products based on our experience with the vendor, customer service, availability of the product, including the quality of the performance by the vendor.

After review of the three bid tabulations from the companies meeting the specifications, the Department of Public Services recommends purchases from these three companies.

<u>Company</u>	<u>City</u>	7/1/2021-6/30/2022	<b>Bid Amount</b>
Harrell's Target Specialty Products Great Lakes Turf	Howell, MI White Lake, MI Byron Center, MI	\$22,000 \$22,000 \$8,000	\$22,000 \$22,000 \$8,000
Great Lanes Turi	Dyron center, th	40,000	ψ0,000

Total \$52,000

## **LEGAL REVIEW:**

No legal review is required for this item.

## FISCAL IMPACT:

The Chemical/Fertilizers listing are for the 2021 season and funds are available in the operating supplies account for each golf course, account #s 584/597-753.001-729.0000. Based on the actual need and requested orders for the golf courses during the season, the total purchases may fluctuate, but will not exceed a total of \$52,000.

## PUBLIC COMMUNICATIONS:

Courses are marked prior to application. Treatment occurs in advance of any play.

## **SUMMARY:**

The type of products needed and for what specific treatments are based on a variety of variables. The Grounds Superintendent determines the quantities of product during the golf season. Our needs are based on the weather, turf condition and the potential treatment of pests. Last year these same companies were used for the product purchases for a total amount not to exceed \$52,000.

The Department of Public Services recommends approval of the fertilizer/chemical purchases for the Birmingham Golf Courses with the three selected vendors; Harrell's, Target Specialty Products, and Great Lakes in an amount not to exceed \$52,000 for the 2021-2022 fiscal year.

## ATTACHMENTS:

• Golf Course Chemicals and Fertilizers Product Bid List

## SUGGESTED RESOLUTION:

To approve the fertilizer/chemical purchases for Lincoln Hills and Springdale Golf Courses from Harrell's for \$22,000, Target Specialty Products for \$22,000, and Great Lakes Turf for \$8,000. The total purchase from all vendors will not exceed a total of \$52,000. Funds will be charged to account #s 584/597-753.001-729.0000.

## **Golf Course Chemicals and Fertilizers**

Product (Common)	Chem. Name	Signal Word	Classification	Use (Area)	Frequency	Target Pest	Comments
Merit	Imidacloprid	Warning	Insecticide	All turf	As needed	Grubs, Insects	
Acelepryn	Chlorantraniliprole	Warning	Insecticide	All turf	As needed	Grubs, Insects	
Dylox	Trichlorfon	Warning	Insecticide	Tees, Rough	As needed	Grubs, Insects	
Briskway	Azoxystrobin	Warning	Fungicide	Greens	2-3X/year	Various Fungi	
	Azoxystrobin+						
Headway	Propiconazole	Warning	Fungicide	Greens	2-3X/year	Various Fungi	
Affirm	PolyoxinD zinc salt	Caution	Fungicide	Greens	1X/year	Patch Diseases	
	<i>,</i>				.,		
<b>Emerald</b>	Boscalid	Warning	Fungicide	Tees, Fairways	1X/year	Dollar Spot	
	Propiconazole+			Toos Fairmens			
Concert	Chlorothalonil	Danasa	Fun aioida	Tees, Fairways,	3-4X/year	Variaus Funci	
		Danger	Fungicide	Greens		Various Fungi	
Clearys 26/36	Thiophanate Methyl	Warning	Fungicide	All turf	2-3X/year	Various Fungi	
Secure	Fluazinam	Warning	Fungicide	Greens	1-2X/year	Various Fungi	
	Fludioxonil,						
	Propicnazole			•	43//		
Instrata	Chlorothalonil	Warning	Fungicide	Greens	1X/year	Various Fungi	
D 21 A 22				Greens,TeesFairw	4.57/		
Daconil Action	Chlorothalonil	Warning	Fungicide	ays	4-5X/year	Various Fungi	
Xzemplar	Fluxapyroxad	Caution	Fungicide	Greens	2-3X/year	Various Fungi	
Velista	Penthropyrad	Caution	Fungicide	Greens	2-3X/year	Various Fungi	
Tank Defoamer		Caution	Tank Additive				
Sync	Methylacetic acid	Danger	Tank Additive				
25-0-10	Urea Nitrogen, K2O	Warning	Fertilizer	Rough	1-2X/year		
33-0-12	Urea Nitrogen, K2O	Warning	Fertilizer	Tees, Fairways	1X/year		
22-0-11	Urea Nitrogen, K2O		Fertilizer	Rough, Fairways	1X/year		
40-0-0	Urea Nitrogen		Fertilizer	Rough			
14-7-14			Fertilizer	Greens			
	2,4D, Dicamba,						
Millennium Ultra	Monoethanoleamine	Danger	Herbicide	Rough	2-3X/year	Broadleaf weeds	
Confront	Triclopyr, Clopyralid	Danger	Herbicide	Rough	As needed	Broadleaf weeds	
Primo Maxx	Trinexapac	Warning	Growth Regulator	Greens	As needed		
Proxy	Ethephon	Danger	Growth Regulator	Greens	As needed		
TriCure	Surfactant	Warning	Wetting Agent	All turf	As needed		
PK Fight	Potash (K2O)	Warning	Fertilizer	Greens	Every 2 weeks		
Astron	Ca,Mg,B,Cu,Fe,Zn	Danger	Fertilizer	Greens	Every 2 weeks		
Knife Plus	N,S,Cu,Fe,Mn,Mo,Zn	Danger	Fertilizer	Greens	Every 2 weeks		
Power 23-0-0	N	Warning	Fertilizer	Greens	Every 2 weeks		
Power 0-22-28	P2O5, K2O	Warning	Fertilizer	Greens	Every 2 weeks		
Bentgrass seed	-, -	. 0			. ,		
Annual Ryegrass seed							

Agency pricing

Aquasphere

# City of Birmingham A Walkable Community

## **MEMORANDUM**

## **Department of Public Services**

DATE: July 16, 2021

TO: Thomas M. Markus, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Vehicle #501 Replacement – Police Department

## INTRODUCTION:

Due to age and condition, the Department of Public Services recommends replacement of the 2015 Ford Explorer Police vehicle. The current mileage is around 117,000 miles.

The Police Department is requesting a 2022 Chevrolet Tahoe LS 4WD police package.

## **BACKGROUND:**

Vehicle #501 is identified for replacement and listed in the Vehicle/Equipment Replacement Schedule, as published in the FY 2021-2022 budget. It qualifies for replacement as illustrated by the assessment below:

#501 – 2015 Ford Explorer

FACTOR	DESCRIPTION	POINTS
Age	1 point each year of age	6
Miles/Hours	1 point each 10,000 miles of usage	11.7
Type of Service	Type 5 – Police, Fire and Rescue service vehicles	5
	Level 2 – In shop one time within three month period, one	
Reliability	breakdown within same period	2
	Level 3– Maintenance costs are 41-60% of replacement	
M & R Costs	costs	3
	Level 3 – Noticeable imperfections in body, minor damage,	
Condition	weak drive train	3
	Total points 28+, poor, needs priority replacement	30.7

This vehicle qualifies under the replacement guidelines for "priority replacement", its age and condition warrant replacement at this time. Once ordered the lead time for the new vehicle is estimated at 28-30 weeks.

The Department of Public Services recommends replacing this vehicle with a 2022 Chevrolet Tahoe LS 4WD through the State of Michigan MIDEAL extendable purchasing contract #071B7700181 awarded to Berger Chevrolet, Grand Rapids, MI 49512.

## LEGAL REVIEW:

This purchase does not require legal review.

## FISCAL IMPACT:

Funds for this purchase, totaling \$45,893.00, are available in the Auto Equipment Fund, account #641-441.006-971.0100.

## PUBLIC COMMUNICATIONS

This does not apply to this purchase.

## **SUMMARY**

Based on age and condition, the Department of Public Services recommends replacement of vehicle #501 with a 2022 Chevrolet Tahoe LS 4WD police package. Upon delivery of the replacement vehicle, the old vehicle will be listed on the Michigan Governmental Trade Network (MITN) for public auction.

## **ATTACHMENTS:**

No attachments are included with this report.

## SUGGESTED RESOLUTION:

To approve the purchase of one (1) 2022 Chevrolet Tahoe LS 4WD police package from Berger Chevrolet Inc. through the State of Michigan MIDEAL extendable purchasing contract #071B7700181 in the amount not to exceed \$45,893.00. Funds for this purchase are available in the FY 2021-2022 Auto Equipment Fund account #641-441.006.971.0100.



## **MEMORANDUM**

## **Department of Public Services**

DATE: July 16, 2021

TO: Thomas M. Markus, City Manager

FROM: Lauren A. Wood, Director of Public Services

**SUBJECT:** Vehicle #505 Replacement – Police Department

## INTRODUCTION:

Due to age and condition, the Department of Public Services recommends replacement of the 2010 Dodge Ram Cargo Van used by the Police Department for parking meter maintenance. The current mileage is around 32,000 miles.

The Police Department is requesting a 2022 Ford Transit Connect Van for parking meter maintenance services.

## **BACKGROUND:**

Vehicle #505 is identified for replacement and listed in the Vehicle/Equipment Replacement Schedule, as published in the FY 2021-2022 budget. It qualifies for replacement as illustrated by the assessment below:

#505 – 2010 Dodge Ram Cargo Van

FACTOR	DESCRIPTION	POINTS
Age	1 point each year of age	11
Miles/Hours	1 point each 10,000 miles of usage	3.2
Type of Service	Type 5 – Police, Fire and Rescue service vehicles	5
	Level 3 – In shop more than twice within one month time	
Reliability	period	3
	Level 3– Maintenance costs are 41-60% of replacement	
M & R Costs	costs	3
	Level 3 – Noticeable imperfections in body, minor damage,	
Condition	weak drive train	3
	Total points 28+, poor, needs priority replacement	28.2

This vehicle qualifies under the replacement guidelines for "priority replacement", its age and condition warrant replacement at this time. Once ordered the lead time for the new vehicle is estimated at 28-30 weeks.

The Department of Public Services recommends replacing this vehicle with a 2022 Ford Transit Connect Van through the State of Michigan MIDEAL extendable purchasing contract #071B7700181 awarded to Gorno Ford of Woodhaven, MI.

## LEGAL REVIEW:

This purchase does not require legal review.

## FISCAL IMPACT:

Funds for this purchase, totaling \$25,690.00, are available in the Auto Equipment Fund, account #641-441.006-971.0100.

## PUBLIC COMMUNICATIONS

This does not apply to this purchase.

## **SUMMARY**

Based on age and condition, the Department of Public Services recommends replacement of vehicle #505 with a 2022 Ford Transit Connect Cargo Van at a total cost of \$25,690.00. Gorno Ford is the exclusive dealer for this contract and was contacted for pricing. Upon delivery of the replacement vehicle, the old vehicle will be listed on the Michigan Governmental Trade Network (MITN) for public auction.

## **ATTACHMENTS:**

No attachments are included with this report.

## SUGGESTED RESOLUTION:

To approve the purchase of one (1) 2022 Ford Transit Connect Cargo Van from Gorno Ford through the State of Michigan MIDEAL extendable purchasing contract #071B7700181 in the amount not to exceed \$25,690.00. Funds for this purchase are available in the FY 2021-2022 Auto Equipment Fund account #641-441.006.971.0100.

# City of Birmingham

## **MEMORANDUM**

## **Department of Public Services**

DATE: July 16, 2021

TO: Thomas M. Markus, City Manager

FROM: Lauren A. Wood, Director of Public Services

**SUBJECT:** Vehicle #564 Replacement – Police Department

## INTRODUCTION:

Due to age and condition, the Department of Public Services recommends replacement of the 2015 Chevy Tahoe Police vehicle. The current mileage is around 113,000 miles.

The Police Department is requesting a 2022 Chevrolet Tahoe police package used as the evidence tech patrol vehicle.

## **BACKGROUND:**

Vehicle #564 is identified for replacement and listed in the Vehicle/Equipment Replacement Schedule, as published in the FY 2021-2022 budget. It qualifies for replacement as illustrated by the assessment below:

#564 - 2015 Chevy Tahoe

	1 1 3 11 12 12	
FACTOR	DESCRIPTION	POINTS
Age	1 point each year of age	6
Miles/Hours	1 point each 10,000 miles of usage	11.3
Type of Service	Type 5 – Police, Fire and Rescue service vehicles	5
	Level 4 – In shop more than once within one month time	
Reliability	period, two or more breakdowns within same period	4
	Level 5– Maintenance costs are greater than or equal to	
M & R Costs	81% of replacement costs	5
	Level 3 – Noticeable imperfections in body, minor damage,	
Condition	weak drive train	3
	Total points 28+, poor, needs priority replacement	34.3

This vehicle qualifies under the replacement guidelines for "priority replacement", its age and condition warrant replacement at this time. Once ordered the lead time for the new vehicle is estimated at 28-30 weeks.

The Department of Public Services recommends replacing this vehicle with a 2022 Chevrolet Tahoe 4WD through the State of Michigan MIDEAL extendable purchasing contract #071B7700181 awarded to Berger Chevrolet, Grand Rapids, MI 49512.

## LEGAL REVIEW:

This purchase does not require legal review.

## FISCAL IMPACT:

Funds for this purchase, totaling \$39,885.00, are available in the Auto Equipment Fund, account #641-441.006-971.0100.

## PUBLIC COMMUNICATIONS

This does not apply to this purchase.

## SUMMARY

Based on age and condition, the Department of Public Services recommends replacement of vehicle #564 with a 2022 Chevrolet Tahoe 4 WD police package. Upon delivery of the replacement vehicle, the old vehicle will be listed on the Michigan Governmental Trade Network (MITN) for public auction.

## ATTACHMENTS:

No attachments are included with this report.

## SUGGESTED RESOLUTION:

To approve the purchase of one (1) 2022 Chevrolet Tahoe 4 WD police package from Berger Chevrolet Inc. through the State of Michigan MIDEAL extendable purchasing contract #071B7700181 in the amount not to exceed \$39,885.00. Funds for this purchase are available in the FY 2021-2022 Auto Equipment Fund account #641-441.006.971.0100.



## **MEMORANDUM**

**IT Department** 

DATE: 07/26/2021

TO: Tom Markus, City Manager

FROM: Eric Brunk, IT Manager

SUBJECT: G-Mail License renewal

## INTRODUCTION:

The G-Suite product license is an annual license and this year is due by the 3<sup>rd</sup> of August 2021. The cost of this service will change from year to year depending on the cost per license and the number of active licenses we are currently using. We currently have 260 licenses in use and each license currently costs \$72.00 a year for a total cost of \$18,720.00.

## **BACKGROUND:**

The City of Birmingham is using G-Suite Basic from Google for its email and file sharing platform. This suite gives us access to email, calendar, data applications, data storage and file sharing under the bhamgov.org domain. The reseller on record with Google inc. for our account is Newmind Group from Kalamazoo, Michigan. Making them a sole service provider. They process the purchasing of new accounts when needed, yearly license renewals and handle the initial troubleshooting of issues encountered with our google accounts outside of general administrative tasks performed by the IT department.

#### LEGAL REVIEW:

This is a renewal of an existing contract – no changes to the contract have been made.

#### FISCAL IMPACT:

The IT department has this yearly renewal in its budget.

## SUMMARY:

The IT department would like to renew the Google G-Suite licenses through Newmind Group Inc. Total cost for the current Google G-Suite licenses is \$18,720.00. Funds are available in the Computer Maintenance fund 636-228.000-993.0600

## SUGGESTED RESOLUTION:

Authorize the IT department to purchase the G-Suite license renewal from Newmind Group Inc. The cost not to exceed \$18,720.00. Using available funds from the Computer Maintenance account 636-228.000-993.0600

Newmind Group, Inc. 344 N Rose St. Suite 4 Kalamazoo MI 49007 Phone: 269.492.0469





City of Birmingham Eric Brunk 151 Martin Street PO Box 3001 Birmingham MI 48012

Invoice #:	2997316
Date:	July 17, 2021
Balance Due (USD):	\$18,720.00

To View Your Invoice Online »

- 1. Go to: https://newmind.freshbooks.com/code
- 2. Enter this code: 33cr6q6e6XGTeSRR

Item	Description		Unit Cost (\$)	Quantity	Price (\$)
WSBusStarter Google Workspace Business Starter: Annual License - 72.00 260 18,720.00 bhamgov.org, License Period: August 3, 2021 - August 2, 2022					
			Subtotal	:	18,720.00
			Total	:	18,720.00
			Amount Paid	<b>l</b> :	0.00
		В	Balance Due (USD)	:	\$18,720.00

## **Prepay**

BY ACCEPTING THIS ESTIMATE OR PAYING THE RESULTING INVOICE YOU AGREE TO THE TERMS AND CONDITIONS OF SERVICE DESCRIBED IN THE MASTER SERVICES AGREEMENT AVAILABLE AT:

http://www.newmindgroup.com/terms

IN ADDITION, YOU REPRESENT THAT YOU HAVE ALL NECESSARY AUTHORITY TO ENTER INTO THE CONTRACT FORMED BY (i) THE MASTER SERVICES AGREEMENT, (ii) THIS ESTIMATE, AND (iii) ANY OTHER TERMS OR CONDITIONS IDENTIFIED ABOVE.

## **MEMORANDUM**



**DATE:** July 7, 2021

TO: Thomas M. Markus, City Manager

FROM: Mark H. Clemence, Chief of Police

SUBJECT: Outside Agency Agreements Fiscal Year 2021-22

## INTRODUCTION:

The City Commission reviews outside agency service agreements on an annual basis as part of the budget preparation and expenditure approval process. The police department has supported Birmingham Bloomfield Community Coalition (BBCC), Birmingham Youth Assistance (BYA) and Common Ground for a number of years. Department approved budget request amounts are consistent from year to year. After review of Attachments A and B submitted by the outside agencies the City Commission considers renewal of funding.

The City Commission previously approved a master service agreement to be used by various outside agencies that request funding from the City. The following organizations have completed the required service agreements, Attachment A and Attachment B to provide a description of the services to be provided and the direct benefit of the services to the City and its residents.

Agency Name	<u>Department Budget Request Amount</u>
Birmingham Bloomfield Community Coalition (BBCC) Birmingham Youth Assistance (BYA)	\$3,000 \$18,000
Common Ground	\$1.500

The department request funding totals for BBCC, BYA and Common Ground reflect the same amount of funding received by these agencies for the past fiscal year (2020-2021). The police department recommends approving the (3) attached service contracts for the 2021-22 outside agency agreements for Birmingham Bloomfield Community Coalition, Birmingham Youth Assistance and Common Ground.

Sufficient funds have been budgeted in the police department other contracted services account #101-301-000-811.0000 to provide for these contracts.

## **BACKGROUND:**

The police department has provided financial support to these (3) agencies since the 2011-12 fiscal year. When the budget preparation season begins, each agency is sent a letter that details the requirements that need to be met in order for the department to include funding in the upcoming fiscal year budget. Those requirements include completion of Attachments A and B in addition to submitting an updated insurance certificate with the City named as additional insured.

Attachment A is a document that summarizes the organization's name, amount of funding requested for current and prior fiscal years and also details the agency's mission, purpose and services provided to Birmingham residents. Attachment B is a detailed explanation of the organization's financial data and also details programs or services provided, number of participants (total attendees and residents) and also includes a quarterly breakdown of funds used for the provided service.

## LEGAL REVIEW:

The City Attorney has reviewed and approved the (3) attached service agreements.

## FISCAL IMPACT:

Sufficient funding in the amount of \$22,500 has been approved in the 2021-22 police department general fund other contracted services account # 101-301-000-811.0000 to support these (3) budgeted outside agency service agreements.

## SUMMARY:

The department recommends that all three agencies receive the same amount of funding from previous fiscal years. BBCC, BYA and Common Ground all submitted funding requests in the same amount as last year.

The (3) attached outside agency service contracts are in compliance with the requirements of Attachment A, Attachment B and insurance regulations have been met. Funding approval for the 2021-22 fiscal year may be granted by the City Commission and the City Commission may direct the Mayor and City Clerk to sign the agreements on behalf of the city.

## ATTACHMENTS:

- 1. Birmingham Bloomfield Community Coalition Service Agreement
- 2. Birmingham Bloomfield Community Coalition Attachment A
- 3. Birmingham Bloomfield Community Coalition Attachment B
- 4. Birmingham Bloomfield Community Coalition Key Findings Report
- 5. Birmingham Youth Assistance Service Agreement
- 6. Birmingham Youth Assistance Attachment A
- 7. Birmingham Youth Assistance Attachment B
- 8. Common Ground Service Agreement
- 9. Common Ground Attachment A
- 10. Common Ground Attachment B

## SUGGESTED RESOLUTION:

To approve the outside agency service agreements for services described in Attachment A of the agreement for fiscal year 2021-22 with Birmingham Bloomfield Community Coalition in the amount of \$3,000, Birmingham Youth Assistance in the amount of \$18,000 and Common Ground in the amount of \$1,500 from account number 101-301.000-811.0000, further to direct the Mayor and City Clerk to sign the agreements on behalf of the City.

## **SERVICES AGREEMENT**

THIS SERVICES AGREEMENT ("Agreement"), made this day of, 7	2021
by and between the CITY OF BIRMINGHAM, having its principal office at 151 Martin R	load,
Birmingham, MI 48009 ("CITY"), and Birmingham Bloomfield Community Coalition, whose addre	ess is
1525 Covington Road, Bloomfield Hills, MI 48301 ("SERVICE PROVIDER"), provides as follows:	

## **WITNESSETH:**

**WHEREAS**, the CITY desires to have certain services provided, which shall be of the type, nature and extent as set forth on Attachment A; and

**WHEREAS,** SERVICE PROVIDER desires to provide said services for the CITY, which it shall do in accordance with the experience it has attained from providing similar services of this nature, under the terms and conditions hereinafter stated.

**NOW, THEREFORE,** for and in consideration of the respective agreements and undertakings herein contained, the parties agree as follows:

- SERVICE PROVIDER shall perform the services as set forth on Attachment A. The type, nature and scope may be changed if mutually agreed upon in writing by SERVICE PROVIDER and the CITY.
- 2. The CITY shall pay a total of \$3,000.00 to SERVICE PROVIDER for the performance of this Agreement, which amount shall compensate SERVICE PROVIDER for all aspects of the services to be performed including, but not limited to, all preparation, coordination, management, staffing and all other services incidental thereto. Payment shall be made to SERVICE PROVIDER pursuant to the schedule contained in Attachment A.
- 3. All services performed shall be of the highest quality and standards that meet or exceed that which is required and expected in that service industry.

- 4. SERVICE PROVIDER shall provide and designate one supervisor responsible for the coordination of services provided, who shall handle problem solving and be the contact person for the CITY.
- 5. This Agreement shall commence immediately after both parties have signed in the place and manner indicated below and shall terminate in accordance with the provisions as set forth in Attachment A.
- 6. This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. SERVICE PROVIDER agrees to perform all services provided for in this Agreement in accordance with and in full compliance with all local, state and federal laws and regulations.
- 7. If any provision of this Agreement is declared invalid, illegal or unenforceable, such provision shall be severed from this Agreement and all other provisions shall remain in full force and effect.
- 8. This Agreement shall be binding upon the successors and assigns of the parties hereto, but no such assignment shall be made by SERVICE PROVIDER without the prior written consent of the CITY. Any attempt at assignment without prior written consent shall be void and of no effect.
- 9. SERVICE PROVIDER agrees that neither it nor its employees will discriminate against any employee, independent contractor, or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. SERVICE PROVIDER shall inform the CITY of all claims or suits asserted against it by SERVICE PROVIDER's employees or contractors who work pursuant to this Agreement. SERVICE

PROVIDER shall provide the CITY with periodic status reports concerning all such claims or suits, at intervals established by the CITY.

- 10. To the fullest extent permitted by law, SERVICE PROVIDER and any entity or person for whom SERVICE PROVIDER is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the CITY, its elected and appointed officials, employees and volunteers and others working on behalf of the CITY against any and all claims, demands, suits, or loss, including all costs connected therewith, including reasonable attorney fees, and for any damages which may be asserted, claimed or recovered against or from the CITY, its elected and appointed officials, employees, volunteers or others working on behalf of the CITY, which arises out of or is in any way connected or associated with this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting solely from the act or omission of the CITY, its elected or appointed officials, employees, volunteers or others working on behalf of the CITY.
- 11. SERVICE PROVIDER shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required by this paragraph. All certificates of insurance shall be with insurance carriers licensed and admitted to do business in the State of Michigan. All certificates of insurance shall be with insurance carriers acceptable to the CITY. SERVICE PROVIDER shall maintain during the life of this Agreement the types of insurance coverage and minimum limits as set forth below:
  - A. <u>Workers' Compensation Insurance</u>: SERVICE PROVIDER shall procure and maintain during the life of this contract, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
  - B. <u>Commercial General Liability Insurance</u>: SERVICE PROVIDER shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$1,000,000 per occurrence for combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability

- Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.
- C. Motor Vehicle Liability: SERVICE PROVIDER shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$ 1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.
- D. <u>Additional Insured</u>: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be *Additional Insureds*: The City of Birmingham, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary and any other insurance maintained by the additional insureds shall be considered to be excess and non-contributing with this insurance required from SERVICE PROVIDER under this Section.
- E. <u>Cancellation Notice</u>: Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal shall be sent to: Finance Department, City of Birmingham, P.O. Box 3001, 151 Martin Street, Birmingham, Michigan 48012.
- F. <u>Proof of Insurance Coverage</u>: SERVICE PROVIDER shall provide the CITY at the time the contracts are returned for execution, Certificates of Insurance and/or policies, acceptable to the CITY, as listed below.
  - 1. Two (2) copies of Certificate of Insurance for Workers' Compensation;
  - 2. Two (2) copies of Certificate of Insurance for Commercial General Liability;
  - 3. Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
  - 4. If so requested, Certified Copies of all policies mentioned above will be furnished.
- G. <u>Coverage Expiration</u>: If any of the above coverages expire during the term of this Agreement, SERVICE PROVIDER shall deliver renewal certificates and/or policies to the CITY at least (10) days prior to the expiration date.

- 12. If, after the effective date of this Agreement, any official of the CITY or spouse, child, parent or in-law, of such official or employee shall become directly or indirectly interested in this Agreement, or the affairs of SERVICE PROVIDER, the CITY shall have the right to terminate this Agreement without further liability to SERVICE PROVIDER if the disqualification has not been removed within thirty (30) days after the CITY has given SERVICE PROVIDER notice of the disqualifying interest. Ownership of less than one percent (1%) of the stock or other equity interest in a corporation or partnership shall not be a disqualifying interest. Employment shall be a disqualifying interest.
- thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48<sup>th</sup> District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds \$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL §600.5001 et. seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Agreement. This Agreement shall be governed by the laws of the State of Michigan and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48<sup>th</sup> District Court.
- 14. This Agreement constitutes the entire agreement between the parties hereto pertaining to the subject matter hereof and supersedes all prior and contemporaneous agreements, understandings, negotiations and discussions, whether oral or written, of the parties, except as

specifically set forth herein. No supplement, modification, addition, deletion or waiver of this Agreement or any provision of this Agreement shall be binding unless executed in writing by both parties to be bound thereby.

- 15. SERVICE PROVIDER and the CITY agree that SERVICE PROVIDER shall be liable for its own actions and neither SERVICE PROVIDER nor its employees or contractors shall be construed as employees of the CITY. Neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. SERVICE PROVIDER, including its employees and contractors, shall not be considered entitled or eligible to participate in any benefits or privileges given or extended by the CITY, or be deemed an employee of the CITY for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation and other employer contributions on behalf of SERVICE PROVIDER or SERVICE PROVIDER's employees or contractors.
- 16. SERVICE PROVIDER acknowledges that in performing services pursuant to this Agreement, certain confidential and/or proprietary information (including, but not limited to, internal organization, methodology, personnel and financial information, etc.) may become involved. SERVICE PROVIDER recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the CITY. Therefore, the SERVICE PROVIDER agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. SERVICE PROVIDER shall inform its employees and contractors of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. SERVICE PROVIDER further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.

The said parties have caused th	is Agreement to be executed on this day of
WITNESSES / NOTARY PUBLIC  BY:	BIRMINGHAM BLOOMFIELD COMMUNITY COALITION  By:
Notary Public signature above	Carol Mastroianni
Notary Public stamp below:	Its: Executive Director
JENNIFER L DAVIS NOTARY PUBLIC, STATE OF MI COUNTY OF OAKLAND MY COMMISSION EXPIRES DOC 18, 2024 ACTING IN COUNTY OF DAKLAND.	
	CITY OF BIRMINGHAM
	By: Pierre Boutros, Mayor
	By: Alexandria D. Bingham, City Clerk
Approved:  Thomas M. Markus, City Manager (Approved as to substance)	Mark H. Clemence, Chief of Police (Approved as to substance)
Mark Gerber, Director of Finance (Approved as to financial obligation) Kimberly Wickenheiser, Assistant Finance Director	Mary M. Kucharek, City Attorney (Approved as to form)

## **ATTACHMENT A**

- I Name of Organization: Birmingham Bloomfield Community Coalition
- II Amount of Funding Requested: \$3,000
- III Amount of funding received from City in current fiscal year: \$3,000
- IV. Organization's Purpose or Mission:

**The Birmingham Bloomfield Community Coalition (BBCC),** a 501(c)(3), was founded in 1994, and incorporated in September 1995 by a group of Seaholm High School parents who recognized the need for a community wide approach to prevent the abuse of alcohol, tobacco and other drugs. Bloomfield Hills officially joined the Birmingham Coalition in September 2005 and was renamed the Birmingham Bloomfield Community Coalition.

The Coalition works with 13 sectors in the Birmingham Bloomfield community including: Youth, parents, business, media, schools, youth-serving organizations, law enforcement, religious/fraternal organizations, civic/volunteer groups, healthcare professionals, state/local government, other substance abuse organizations., and the recovery community. The Coalition also collaborates with other area substance abuse prevention coalitions, including the Alliance of Coalitions for Healthy Communities (ACHC) and national organizations such as Community Anti-Drug Coalitions of America (CADCA).

**BBCC's service area** includes those who live, work, play, worship, and attend public and private schools within the boundaries of the Birmingham and Bloomfield School Districts. This includes the **primary municipalities** of Birmingham, Bloomfield Hills, Bloomfield Township, and Villages of Beverly Hills Bingham Farms, Franklin. Portions of Orchard Lake, Southfield, Troy and West Bloomfield are covered via the public schools' boundaries.

The **mission of BBCC** is to raise awareness and mobilize the entire community to prevent the abuse of alcohol and other drugs, with a primary focus on our youth. By focusing on prevention, health and wellness, BBCC and its Youth Action Board (YAB) take a research-driven, evidenced-based approach by providing education, tools, activities, and support to help youth rise above life's challenges and encourage adults to thoughtfully support them.

**BBCC strives to "Save Kids Lives"** through an expanded focus on the overall health and wellness of young people as well as:

- Envision the brightest drug-free future for our youth
- Celebrate kids who are doing the right thing
- Bring the right people and resources together
- · Work collaboratively with 12 community sectors, local, state and national coalitions

- · Weave sustainable prevention efforts into the fabric of our community
- Have a plan approved by our peers and the Executive Office of the President (of the United States), Office of National Drug Control Policy
- Achieve outcomes for reducing alcohol, marijuana, vaping, and prescription drug use/abuse by teens in our community
- V Description of Services to be provided (Scope of Work):

Please Note: All services have been updated to be within the safety guidelines prescribed for COVID-19. If a service is unable to be delivered in person, BBCC will make every attempt to provide the service virtually.

**Youth Action Board (YAB)** is an inclusive group of teen volunteers from 11 public and private high schools in the Birmingham and Bloomfield Hills community. YAB's goal is to provide youth with a positive voice and presence to peers and the broader community on issues important to teens with a focus on substance abuse prevention, mental health and wellness. The YAB meets on a regular basis, year-round, to discuss substance abuse trends and other important issues teens face today. Based on this information, they plan and organize safe, fun, community-based events and leadership opportunities for teens.

**Bi-annual Teen Substance Use Survey** administered since 2005 on a bi-annual basis to 8th – 12th grade students in Birmingham and Bloomfield Hills' 5 public high schools and 7 middle schools capturing data from over 5,000 students on alcohol, marijuana and prescription drugs as well as trends, access, influence, and other key points. BBCC uses this information to plan/modify prevention strategies according to what is happening in our community.

**Other surveys** are used throughout the year as needed. For example, in BBCC works with the Alliance of Coalitions for Healthy Communities (ACHC) and the other 19 prevention coalitions in Oakland County to implement parent and youth surveys.

**Covey 7 Habits of Highly Effective Teens training** offered to 9<sup>th</sup> and 10<sup>th</sup> grade high school students provides a step-by-step framework for boosting self-image, building friendships resisting peer pressure, achieving goals, & much more.

**Alcohol, Marijuana (vaping), Prescription Drug, and Mental Health/Wellness Campaigns** developed by teens for teens provides a visual reminder of making healthy choices for your best future self.

Serve as community resource for timely, accurate information about substances abuse prevention, mental health and wellness. For example, since 2015 youth in our community have been experiencing a dramatic increase in abuse of ENDS (electronic nicotine delivery system) products. BBCC has focused its efforts on getting the word out to schools, parents and youth about the dangers of vaping and misinformation being disseminated about it. Some of the other areas that BBCC is focusing on are opioids, buzzed driving, adult binge drinking, youth underage drinking, and stress/anxiety amongst our youth.

Community dialogues including, CHOICES: Youth Dialogue Day. Students, parents, and educators from the public and private high schools, witness "eye-opening," live court cases, heard directly from Judge D'Agostini of the 48<sup>th</sup> District Court and selected speaker(s) whose story demonstrates the very real-life consequences that come with impulsive decisions teens make to use drugs and alcohol. Hands-on activities follow to further enhance the learning experience.

**Keep them Safe, Keep them Healthy** provides education and awareness to both parents and their teens to open up the lines of communication between them. By taking a unique perspective in presenting the various reasons why our young people are abusing substances and what can be done to prevent it, parents gain the ability to look at their children with more compassion as well as have doable steps to take to safeguard your child and home. For student assemblies geared for  $8^{th}$  –  $12^{th}$  graders, young adults in recovery relate their personal experience and tragedies as a result of substance abuse or share their expertise.

Parent directed campaigns such as Parents Who Host, Lose the Most provides parents and other adults valuable information to help make teen parties safe and ensure parents/adults know the local laws.

Substance-free community opportunities and activities for teens, families and people of all ages include our Teen Talent Showcase held in the summer. Friday, June 11, 2021 is our next YAB Teen Summer Concert (COVID Safety Guidelines Permitting) that provides youth, families and community members with a safe, fun, substance-free outlet to enjoy and celebrate our talented teens as the opening act of the Shain Park Summer Music Series. Youth Action Board (YAB) teens take the lead in planning and implementing this event that shares key prevention, health and wellness information and recognizes our graduating YAB teens. BBCC also supports many other community programs and events.

Middle School Transitions Program for eighth graders focuses on the "Truths and Consequences of Substance Use" through an interactive presentation. Data used is from BBCC's Teen Drug and Alcohol Use Survey, along with important and compelling facts. When available, high school students participate by answering the 8th graders' questions about the high school experience and the transition itself. On average each school year, over 400 eighth graders from the middle schools participate in this educational program.

**Strengthening Families Program for Parents and Youth 10-14**. Youth need skills to help them resist the peer pressure that leads to risky behaviors. Research shows that protective parenting improves family relationships and decreases the level of family conflict, contributing to lower levels of substance use. In just seven sessions parents and children learn how to build stronger communication and respect for each other.

**Tobacco and Alcohol Retailer Education visits** take place annually as BBCC works with the County and State to ensure our retail establishments are informed by distributing and reviewing tobacco and alcohol retailer education kits and surveying the establishments.

**Save A Life Narcan Training** is a free community nasal NARCAN training where community members are instructed on the proper administration of this life-saving overdose reversal tool. Everyone who is trained receives a free Alliance of Coalitions for Healthy Communities (a BBCC partner) Safe a Life Kit. Funding for this service is provided by the Oakland Community Health Network.

# VI Explain the value of the services to the City of Birmingham:

- \*Please note, that the dollar values listed include in-kind donations.
- Youth Action Board (YAB) is the only inclusive group for the 11 public and private high school students in the Birmingham Bloomfield communities where teens come together, on a regular basis throughout the year, to discuss substance abuse trends and other important issues teens face today. YAB gives teens a voice and a presence and the ability to plan and organize safe, fun community-based events and learning/leadership opportunities. BBCC has had teens say that the YAB was the only place they can go to be themselves and be around like-minded individuals individuals who do not want to abuse substances, who want to find healthier ways to manage their life, and be a role model for others. The YAB costs approximately \$1,000/year per student to run.
- \*Bi-annual Teen Substance Use Survey is truly priceless. Nowhere else does Birmingham receive community-specific information about their youth's substance use, perceptions, mental, and other key findings that have been tracked in a selfdesigned survey since 2005. This information is used to adjust, design and

implement prevention programming. Value of survey to develop, administer and analyze is \$20,000. \*Next survey takes place in December 2021 with results analyzed in 2022.

- Other surveys Key information is gathered about parents and used to adjust, design and implement prevention programming.
- Covey 7 Habits of Highly Effective Teens training builds young people up from the inside out by utilizing proven methods to boost self-image, build friendships, resist peer pressure, achieve goals and much more. To have young people in the community who are making positive decisions for their future selves and to be a role model for others is priceless and reduces crime, family heartache, and more. Value is \$2,500 per session for up to 30 students.
- Alcohol, Marijuana (vaping), Prescription Drug, and Mental Health/Wellness Campaigns keep messaging on key issues "top of mind" for youth especially since these campaigns are created by teens for teens. The more youth we have making positive decisions for themselves, the less juvenile delinquency the community will experience. Value is \$6,490.
- Serve as community resource for timely, accurate information about substances abuse prevention, mental health and wellness. BBCC is able to eliminate some of the phone calls by or visits to citizens by the police department. By raising awareness, educating and supporting families and schools in the community, we prevent a number of situations before they get worse.
- Community dialogues including, CHOICES: Youth Dialogue Day provides students with the ability to see real-life consequences unfold and how one decision can change the trajectory of someone's life. This is an extremely impactful event and one where students have commented that they were on the fence about whether or not to use drugs and that this program helped them decide that drugs are not the answer. Value is \$10,000\*.
- Keep them Safe, Keep them Healthy Program has been extremely impactful for students because they are able to hear directly from a young person in recovery, in a relatable way, how insecurities or issues at home, lead them to make a decision that changed the trajectory of their lives. Students are able to understand how this could happen to them and understand ways to make different decisions and reach out for help. This is also one of the only programs that has a separate parent component that encourages parents and children to talk about what is commonly a difficult topic to bring up. Once again, this program reduces youth substance use or self-harm and reduces juvenile delinquency in the community. Value is \$3,950\* per session.
- Parent directed campaigns such as Parents Who Host, Lose the Most reduces parent hosted parties where alcohol is provided to underage youth thus lowering the number of police visits needing to be made. Value is \$10,384\*.
- Substance-free community opportunities and activities for teens, families and people of all ages include our Teen Summer Concert as a way to celebrate youth making great choices and providing a venue that youth and their families can go to that is substance free. This shows young people that you can have fun without getting drunk

- or high which can lead to reduced instances where police intervention is needed. Value is \$6,000\* for each event.
- Middle School Transitions Program for eighth graders focuses on the "Truths and Consequences of Substance Use" educates 8<sup>th</sup> graders at a critical juncture in their life about substances and the reality of substance use in high school, the impact of substances on brain development and more. Helping young people to make more informed decisions for themselves, leads to reduce substance use and juvenile delinquency. Value is \$6,000.
- Tobacco and Alcohol Retailer Education visits educate local retailers of the appropriate ages of people to sell tobacco and alcohol to. This reduces youth access, which, in turn, reduces youth use. More compliant retailers lead to less police visits, too.
- Safe A Life Narcan Training. Free community nasal NARCAN training where community members are instructed on the proper administration of this life-saving overdose reversal tool. Everyone who is trained receives a free Alliance of Coalitions for Healthy Communities (a BBCC partner) Safe a Life Kit. Funding for this service is provided by the Oakland Community Health Network. Value of program is \$300/pp.
- VII List <u>all</u> municipal and/or other funding sources, the percentage of programming costs covered by each source, and the actual dollar amount covered by each source in the current fiscal year. (List below. Attach additional sheet if necessary.)

# **BBCC Budget October 2020 - September 2021**

		Oct '20 - Sep '21
Ordinary Income/Expense		
4000 · Contributions		
	4005 · Board Contributions	900.00
	4010 · Foundations	1,000.00
	4015 · Individuals	1,000.00
	4016 - Corporat€	0.00
Total 4000 · Contributions		2,900.00
4300 · Organizations		
	4310 · Chamber of Commerce	0.00
	4325 · Municipalities	
	4326 · Beverly Hills	1,800.00
	4327 · Bingham Farms	1,000.00
	4328 · Birmingham	3,000.00
	Total 4325 · Municipalities	5,800.00

# 4340 ·Schools

424	2 Disamfield Lille	10 000 00
	3 · Bloomfield Hills	10,000.00
	6 · Cranbrook	250.00
	60 · PTO	600.00
435	61 · PTSA	100.00
		0.00
435	3 · ASH	500.00
Total 4340 · Schools	_	11,450.00
Total 4300 ·Organizations		17,250.00
4500 · Sponsorships		
4510 · Teen summer	concert	1,000.00
4530 ·Choices	_	0.00
Total 4500 · Sponsorships		1,000.00
4800 · Other Income		
4805 · Amazon Fund	raiser	5.00
4810 · Covey		
4820 · Kroger Reward	ds Fundraiser	25.00
4825 · Miscellaneous	<b>3</b>	50.00
4830 · Program Servi	ice Revenue	
4845 · Tobacco Edu	& Synar Inspections	650.00
Total 4800 · Other Income		730.00
4900 · Grants		
4905 · ACHC		35,000.00
490 · SPF - PFS SPF	F - PFS _	221,334.00
Total 4900 · Grants		256,334.00
4980 · Interest Income		14.00
4987 · Uncategorized Income	_	60.00
	_	278,288.00

VIII. Provide a detailed list of services provided in the 2020-2021 Fiscal Year (July 1, 2020 – June 30, 2021). Include the following for each quarter:

- Date & Timeframe of each service provided
- Explanation of the service provided
- Number of Birmingham residents in attendance/effected by service
- Explanation of how the funds were used

(Use Attachment B to record the services. Attach additional sheets if necessary.)

# **Individuals Participating in Programs:**

- Youth Action Board (YAB)
  - o Takes place all year long, at least twice a month
  - o 45 students throughout the year; 8 of those teens are from 48009
  - Since moving to a virtual platform on March 22, 2020, we have even greater participation from our YAB teens. We more than doubled our normal meeting schedule because of the unusual circumstances. The number of leader meetings were increased, too, to more fully understand what teens are experiencing and making sure their voice and presence drove meeting content.
- Bi-annual Teen Substance Use Survey
  - In 2021, created a several page infographic showcasing key results from our December 2019 survey of almost 5,000 8<sup>th</sup>-12<sup>th</sup> grade students from the Birmingham Public Schools and Bloomfield Hills Public Schools.
  - $\circ$  Created and implemented a Teen Survey in 2021 to capture what happened with COVID 19 and its impact on our youth. Most  $7^{th}$   $12^{th}$  grade students in Birmingham Public and Bloomfield Hills Public Schools, Brother Rice, and International Academy participated in the survey  $\sim$  3,900 students.
- Alcohol, Marijuana (vaping), Prescription Drug, and Mental Health/Wellness Campaigns and events
  - o Campaign materials are distributed throughout the year. Survey results show several hundred students see the campaigns, many of whom live in 48009
- Serve as community resource for timely, accurate information about substances abuse prevention, mental health and wellness.
  - O BBCC distributes information via social media (FaceBook, Instagram and Twitter), all of our high schools and middle schools; we send out an enewsletter with a subscriber based of 1,200, have many of our programs run on Birmingham/Bloomfield Cable TV (in non-COVID times) and we field numerous phone calls and email inquiries. Easily several hundred 48009 residents are impacted.

Name of Organization:	Birmingham Bloomfield Community	y Coalition (BBCC)
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- Substance-free community opportunities and activities for teens, families and people of all ages include our Teen Summer Concert, are normally held as the first concert in June at Shain Park. Since the park was still closed to concerts in 2021, BBCC utilized Bloomfield Hills Lahser Campus Football Field for the event since our YAB teens really wanted and needed to have this type of substance free activity. We are looking forward to being back at Shain Park in 2022.
- Tobacco and Alcohol Retailer Education visits
  - o 25 retail visits were made of which 11 were located in 48009 in May 2021

Submitted by: Carol Mastroianni	Title: Executive Director
(Print Name)	
Signature: Carol Mastroianni	
and Harman	B. I
Signature:	Date: <u>June 22, 2021</u>

# Name of Organization: Birmingham Bloomfield Community Coalition

First Quarter (July 1, 2020- September 30, 2020)

Breakdown of the funds used for that service						
Number of Birmingham residents in attendance or affected by the service						
Explain the services provided						
Duration of Service (timeframe)						
Date of Service						

# Second Quarter (October 1, 2020 - December 31, 2020

Breakdown of the funds used for that service						
Number of Birmingham residents in attendance or affected by the service						
Explain the services provided						
Duration of Service (timeframe)						
Date of Service						

# Name of Organization: Birmingham Bloomfield Community Coalition

# Third Quarter (January 1, 2021 - March 31, 2021)

Date of Service	Duration of Service (timeframe)	Explain the service provided	Number of Birmingham residents in attendance or affected by the service	Breakdown of the funds used for that service
YAB Meeting	1/3/21	1:30 - 3:00 p.m.	2 in attendance	Portion of staff time - \$327.30
YAB Meeting	1/10/21	1:30 - 3:00 p.m.	2 in attendance	Portion of staff time - \$327.30
YAB Meeting	1/24/21	1:30 - 3:00 p.m.	2 in attendance	Portion of staff time - \$327.30
YAB Meeting	2/4/21	1:30 - 3:00 p.m.	2 in attendance	Portion of staff time - \$327.30
YAB Meeting	2/21/21	1:30 - 3:00 p.m.	2 in attendance	Portion of staff time - \$327.30
YAB Meeting	3/7/21	1:30 - 3:00 p.m.	2 in attendance	Portion of staff time - \$327.30
YAB Meeting	3/21/21	1:30 - 3:00 p.m.	2 in attendance	Portion of staff time - \$327.30
CHOICES 2021	3/23/21	7:30 a.m 12:00p.m.	15 in attendance	Portion of Staff time: \$650.00
Youth Dialogue Day				Portion of Zoom cost: \$58.90

# Fourth Quarter (April 1, 2021 - June 30, 2021

Breakdown of the funds used for that service					
Number of Birmingham residents in attendance or affected by the service					
Explain the service provided					
Duration of Service (timeframe)					
Date of Service					

# 2019 BIRMINGHAM BLOOMFIELD KEY FINDINGS REPORT



The Birmingham Bloomfield Community Coalition (BBCC) takes a research driven, youth-led approach to substance abuse prevention, health, and wellness. BBCC and the Youth Action Board (YAB), its high school teen group, provide education, tools, activities, and support to help youth rise above life's challenges by making informed decisions about their safety, health and wellness, as well as encouraging adults to thoughtfully support them.

- Most Youth are not using substances
- Those youth that do use substances are more likely to have mental health issues
- Friend are the most influential when it comes to youth substance use

# **MOST**

Middle and High School
Students are **NOT**Using Drugs & Alcohol

### In the past 30 days,

- 94.6% of middle schoolers and 77.8% of high schoolers did NOT use alcohol
- 99.7% of middle schoolers and 97.9% of high schoolers did NOT use cigarettes
- 98.9% of middle schoolers and 98.9% of high schoolers did NOT misuse prescription drugs
- 97.1% of middle schoolers and 80.4% of high schoolers did NOT use any e-cigarette or vaping device
- 97.6% of middle schoolers and 85.6% of high schoolers did NOT use any e-cigarette or vaping device with nicotine
- 98.2% of middle schoolers and 86.4% of high schoolers did NOT use any e-cigarette or vaping device with THC
- 98.0% of middle schoolers and 92.0% of high schoolers did NOT use any e-cigarette or vaping device with flavor only

# **High School Students**

# <u>Alcohol</u>

Nearly 8.out of 10 Birmingham Bloomfield high school students did **not** drink alcohol in the past 30 days.

# **Cigarettes**

Nearly 10 out of 10 Birmingham Bloomfield high school students did **not** smoke cigarettes in the past 30 days.

# **Prescription Drugs**

Nearly 10 out of 10 Birmingham Bloomfield high school students did **not** misuse prescription drugs in the past 30 days.

### Any Vaping

8 out of 10 Birmingham Bloomfield high school students did **not** use any e-cigarette or vaping device in the past 30 days.

### **Vaping Nicotine**

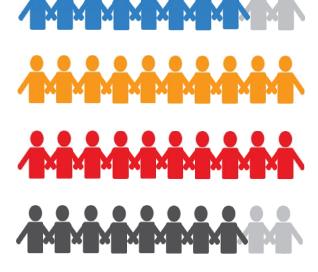
More than 8.5 out of 10 Birmingham Bloomfield high school students did **not** use any e-cigarette or vaping device with nicotine in the past 30 days.

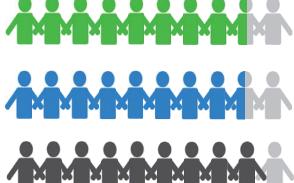
### Vaping THC (Marijuana)

More than 8.5 out of 10 Birmingham Bloomfield high school students did **not** use any e-cigarette or vaping device with THC in the past 30 days.

### Vaping Flavor Only

More than 9 out of 10 Birmingham Bloomfield high school students did **not** use any e-cigarette or vaping device with flavor only in the past 30 days.



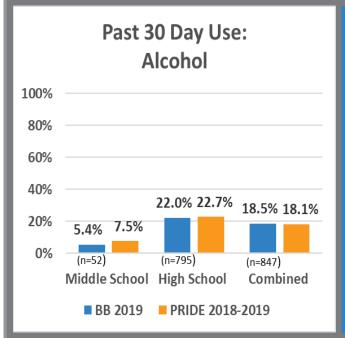


# **Survey Background**

Data was obtained from the 2019 Birmingham Bloomfield Student Survey. The 2018-2019 PRIDE national survey was one national benchmark used. 2019 Monitoring the Future (MTF) data was also used as a national benchmark. For Birmingham Bloomfield data, High school students consist of 9th –12th grade students, and Middle school students consist of 8th grade students. Percentages may not add up to 100% due to rounding.

# Past 30 Day Use

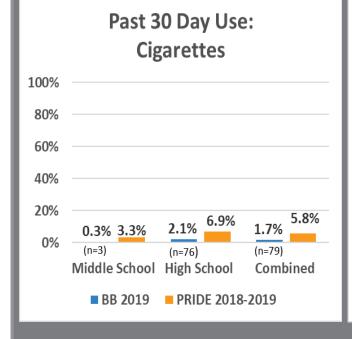
The graphs below depict past 30 day use of alcohol, cigarette, and prescription drugs for high school and middle school students compared to the national benchmark.

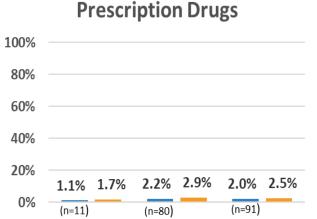


# **High School and Middle School**

- Past 30 day use of alcohol, cigarettes and prescription drugs for high school students is lower than the national comparison.
- Past 30 day use of alcohol, cigarettes and prescription drugs for middle school students is lower than the national comparison.
- Past 30 day us is lower for high school and middle school students combined than the national comparison with the exception of alcohol.

Past 30 Day Use:





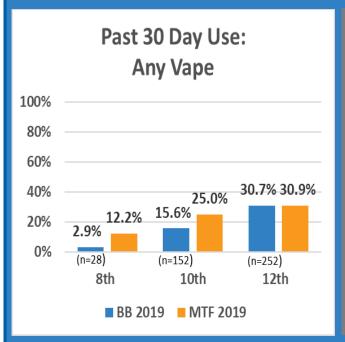
Middle School High School

■ BB 2019 ■ PRIDE 2018-2019

Combined

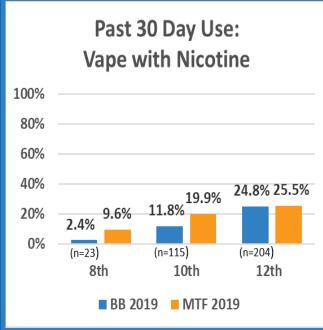
# Past 30 Day Use: Vaping

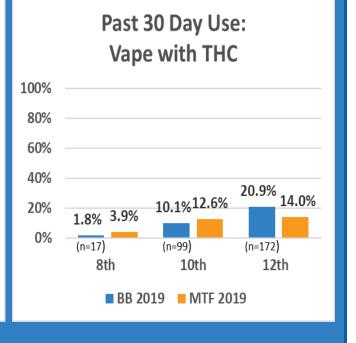
The graphs below depict past 30 day use of e-cigarettes or vape devices for 8th, 10th, and 12th grade students compared to the national Monitoring the Future benchmark.



# 8th, 10th, and 12th Grade Students

- Past 30 day use any vape product (nicotine, THC, and flavor only) is lower than the national comparison
- Past 30 day use of vaping with nicotine is lower than the national comparisons.
- Past 30 day for vaping with THC is lower for 8th and 10th grade students but higher for 12th grade students compared to the national comparisons.

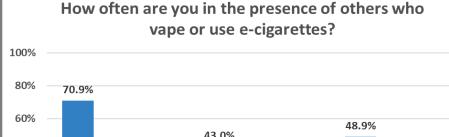




# Vaping

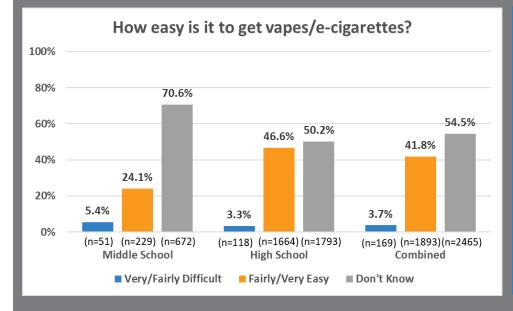
Birmingham Bloomfield youth were asked how easy it was to get vaping products and how often they had been in the presence of others who vape or use e-cigarettes.





43.0% 40% 32.0% 23.9% 27.3% 25.1% 19.2% 20% 9.9% 0% (n=681) (n=184) (n=95) (n=1545) (n=903) (n=1148) (n=2226) (n=1087)(n=1243) Middle School **High School** Combined ■ Never/Rarely ■ Sometimes ■ Often/Always

**High school** students (32.0%) are more often in the presence of those who are vaping than middle school **students (9.9%)** 

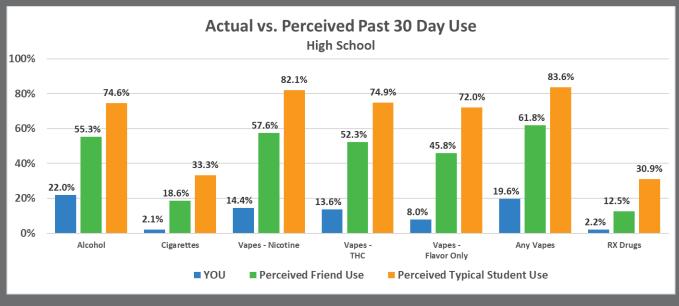


Almost half of high school students (46.6%) report that it is fairly easy or very easy to get vaping products whereas, less than one-forth (24.1%) of middle school states report that it is fairly or very easy to get vaping products.

# Youth Perceptions of Use

Birmingham Bloomfield youth were asked if they have used substances the past 30 days, as well as if they believed their friends and the typical students in their school had used in the past 30 days.

Many youth over-estimate the prevalence of substance use among their peers, which puts them at greater risk for using substances themselves.



	Alcohol	Cigarettes	Vapes - Nicotine	Vapes - THC	Vapes - Flavor Only	Any Vapes	RX Drugs
YOU	n = 795	n = 76	n = 522	n = 490	n = 288	n = 706	n = 80
Perceived Friend Use	n = 1993	n = 668	n = 2084	n = 1891	n = 1651	n = 2235	n = 450
Perceived Typical Student Use	n = 2684	n = 1197	n = 2969	n = 2710	n = 2597	n = 3027	n = 1109

The largest perception gap is between actual use and perceived typical student use for vaping nicotine.

The **smallest perception gap** is between actual use and typical student **prescription drug use**.

While most students are not using substances, many believe their friends and the typical student are using substances.

# Top Influences

# Most influential factors regarding teen substance misuse



Perception of friend use and friend disapproval are top influences for all substances.

# **Alcohol Top Influences**

- #1 Perceived Friend Use
- #2 Perception of Harm Underage Drinking
- #3 Perceived Typical Student Use
- #4 Student Perception Risk (Binge)
- #5 Clear Home Rules on Alcohol/Drug use
- #6 Club/group participation
- #7 Typical Student Perception of Harm—Underage Drinking
- #8 Thoughts of Self-Harm (Past Month)
- #9 Friend Disapproval
- #10 Sports

# **Prescription Drug Top Influences**

- #1 Perceived Friends' Use
- #2 Perception of Harm
- #3 Thoughts of Self-Harm (Past Month)
- #4 Friend Disapproval
- #5 Perceived Typical Student Use
- #7 Club/group participation
- #6 Perception of Risk

# **Vaping Nicotine Top Influences**

- #1 Perception of Harm Occasional Use
- #2 Being in the presence of others who vape
- #3 Perceived Friends' Use
- #4 Confidence to resist
- #5 Typical Student Perception of Harm Occasional
- Use
- #6 Perceived Typical Student Use
- **#7** Friend Disapproval
- #8 Clear Home Rules on Alcohol/Drug use
- #9 Sports
- #10 Perception of Risk Everyday

# Vaping THC (Marijuana) Top Influences

- #1 Perceived Friends' Use
- #2 Friend Disapproval
- #3 Typical Student Perception of Harm Try once or twice
- #4 Confidence to resist
- #5 Being in the presence of others who vape (Frequency)
- #6 Perception of Harm Occasional Use
- #7 Perception of Harm Try once or twice
- #8 Perceived Typical Student Use
- #9 Perception of Harm Everyday
- #10 Sports

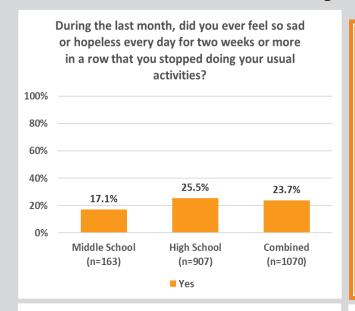
# **Cigarette Top Influences**

- #1 Perceived Friends' Use
- #2 Friend Disapproval
- #3 Parent Disapproval

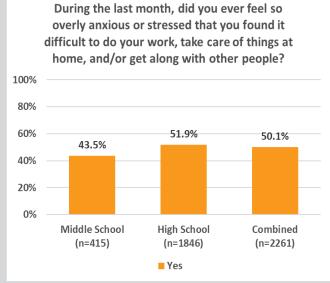
# **Youth Mental Health**

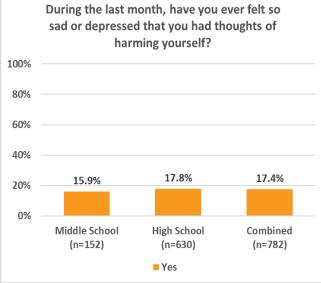
Students were asked about their mental health and suicide.

Higher levels of depression, anxiety, other mental illnesses are strongly related to thoughts and attempts of suicide. Addressing mental heath issues is essential for reducing suicide amongst students.



- 1 out of 2 Birmingham Bloomfield students report feeling so anxious or stressed they found it difficult to do everyday activities during the last month.
- 17.4% (n = 782) of Birmingham Bloomfield students report having thoughts of self-harm in the last month.





Birmingham Bloomfield teachers, administrators, counselors and parents need resources that make them aware of the signs and symptoms of depression, suicidal ideation and behaviors, as well as contact information for professionals who can help. Birmingham Bloomfield would also benefit from a mental health awareness and anti-stigma campaign.

# Mental Health & Substance Misuse

Comorbidity and co-occurring disorders can describe when an individual has both a mental illness and is struggling with a drug or alcohol use disorder. Based off research provided by the National Institute on Drug Abuse, around 50% of those who struggle with substance use will also experience mental illness and vice versa. This is also true for youth. Over 60% of adolescences who are currently in treatment programs for substance use are also diagnosed with co-occurring mental health disorder<sup>1</sup>.

(1) NIDA. 2020, May 28. Part 1: The Connection Between Substance Use Disorders and Mental Illness. Retrieved from https://www.drugabuse.gov/publications/research-reports/common-comorbidities-substance-usedisorders/part-1-connection-between-substance-use-disorders-mental-illness on 2020.

# **Alcohol and Mental Health**

- Students who reported that past year alcohol use are
   2.1 times MORE LIKELY to report feeling so anxious or stressed, they found it difficult to do their work, take care of things at home, and/or get along with other people, compared to those that did not use alcohol.
- For 12th grade students who reported past 30 day alcohol use, they were also 2 times MORE LIKELY to be depressed and anxious. Overall, 762 Birmingham Bloomfield students experienced both anxiety and alcohol use in the past year.



# Vaping and Mental Health

Students who reported past 30 day vape use with nicotine, were also more than **2 times MORE LIKELY** to report they were depressed.

12th grade students who reported past 30 day "vape use with THC for the purpose of getting high," were also more than **2 times MORE LIKELY** to report they were depressed, anxious or had thoughts of self-harm.

# **Gender and Mental Health**

Females were **2.6 times MORE LIKELY** to report that they felt "So overly anxious or stressed they found it difficult to do their work, take care of things at home, and/or get along with other people" compared to those who did not identify as female.

Students who identified as Transgender, were **4.3 times MORE LIKELY** to have thoughts of self-harm compared to those who did not identify as Transgender.



# **Youth Perceptions of Disapproval**

Birmingham Bloomfield youth were asked about their friends' and parents' perception of teen drug and alcohol use on a scale from not wrong, a little wrong, wrong, to very wrong.

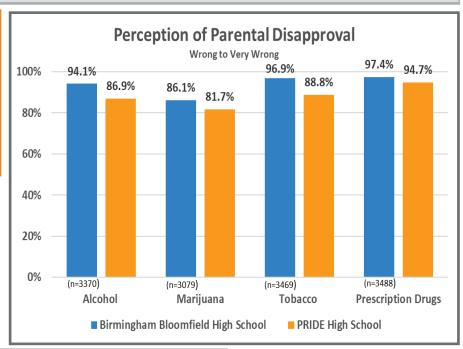
Disapproval is categorized as wrong and very wrong.

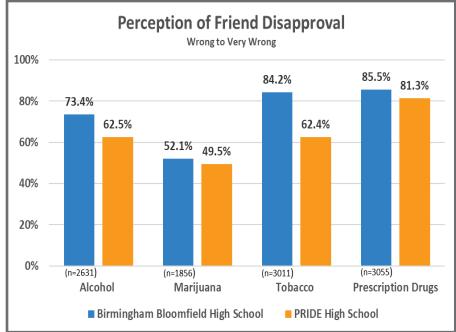
Higher perceptions of disapproval often result in lower use of substances, therefore, it is beneficial that Birmingham Bloomfield youth have higher disapproval than national benchmarks.

# MOST YOUTH

think friends & parents disapprove of drug & alcohol use

Birmingham Bloomfield high school youth perceptions of parents' and friends' disapproval are higher than national perceptions.





# MIDDLE SCHOOL STUDENTS

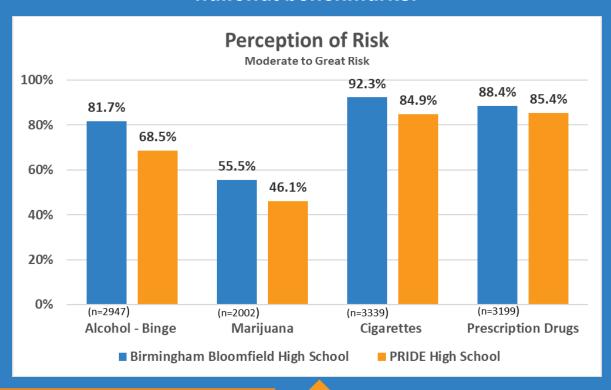
Parent & friend disapproval for 8th grade students is higher than the national perceptions.

Birmingham Bloomfield 8th grade students perceived parent disapproval of alcohol, marijuana, cigarettes, and prescription drugs at 95% or higher, and friend disapproval at 85% or higher.

# Perception of Risk

Birmingham Bloomfield youth were asked about their perception of drug and alcohol risk of harm on a scale from no risk, slight risk, moderate risk, to great risk. Risk is categorized as moderate risk and great risk.

Higher perceptions of risk often result in lower use of substances, therefore, it is ideal to have perceptions higher or comparable to national benchmarks.



# **MOST YOUTH**

Think the risk associated with alcohol, cigarettes, and prescription drug misuse is moderate or great risk.

Birmingham Bloomfield high school students perceptions of risk are higher than national perceptions for marijuana, alcohol, cigarettes, & prescription drugs.

# **Contact Us**

Birmingham Bloomfield Community Coalition 248.203.4615

office@bbcoalition.org 1525 Covington Road Bloomfield Hills, MI 48301 https://bbcoalition.org/



# Find Us on Social Media







@teamBBCC

### **SERVICES AGREEMENT**

**THIS SERVICES AGREEMENT** ("Agreement"), made this \_\_\_\_\_ day of \_\_\_\_\_\_\_, 2021 by and between the **CITY OF BIRMINGHAM**, having its principal office at 151 Martin Road, Birmingham, MI 48009 ("CITY"), and Birmingham Youth Assistance Committee, whose address is 2436 W. Lincoln, Suite F102, Birmingham, MI 48009 ("SERVICE PROVIDER"), provides as follows:

### **WITNESSETH:**

**WHEREAS,** the CITY desires to have certain services provided, which shall be of the type, nature and extent as set forth on Attachment A; and

**WHEREAS,** SERVICE PROVIDER desires to provide said services for the CITY, which it shall do in accordance with the experience it has attained from providing similar services of this nature, under the terms and conditions hereinafter stated.

**NOW, THEREFORE,** for and in consideration of the respective agreements and undertakings herein contained, the parties agree as follows:

- 1. SERVICE PROVIDER shall perform the services as set forth on Attachment A. The type, nature and scope may be changed if mutually agreed upon in writing by SERVICE PROVIDER and the CITY.
- 2. The CITY shall pay a total of \$18,000.00 to SERVICE PROVIDER for the performance of this Agreement, which amount shall compensate SERVICE PROVIDER for all aspects of the services to be performed including, but not limited to, all preparation, coordination, management, staffing and all other services incidental thereto. Payment shall be made to SERVICE PROVIDER pursuant to the schedule contained in Attachment A.
- 3. All services performed shall be of the highest quality and standards that meet or exceed that which is required and expected in that service industry.

- 4. SERVICE PROVIDER shall provide and designate one supervisor responsible for the coordination of services provided, who shall handle problem solving and be the contact person for the CITY.
- 5. This Agreement shall commence immediately after both parties have signed in the place and manner indicated below and shall terminate in accordance with the provisions as set forth in Attachment A.
- 6. This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. SERVICE PROVIDER agrees to perform all services provided for in this Agreement in accordance with and in full compliance with all local, state and federal laws and regulations.
- 7. If any provision of this Agreement is declared invalid, illegal or unenforceable, such provision shall be severed from this Agreement and all other provisions shall remain in full force and effect.
- 8. This Agreement shall be binding upon the successors and assigns of the parties hereto, but no such assignment shall be made by SERVICE PROVIDER without the prior written consent of the CITY. Any attempt at assignment without prior written consent shall be void and of no effect.
- 9. SERVICE PROVIDER agrees that neither it nor its employees will discriminate against any employee, independent contractor, or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. SERVICE PROVIDER shall inform the CITY of all claims or suits asserted against it by SERVICE PROVIDER's employees or contractors who work pursuant to this Agreement. SERVICE

PROVIDER shall provide the CITY with periodic status reports concerning all such claims or suits, at intervals established by the CITY.

- 10. To the fullest extent permitted by law, SERVICE PROVIDER and any entity or person for whom SERVICE PROVIDER is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the CITY, its elected and appointed officials, employees and volunteers and others working on behalf of the CITY against any and all claims, demands, suits, or loss, including all costs connected therewith, including reasonable attorney fees, and for any damages which may be asserted, claimed or recovered against or from the CITY, its elected and appointed officials, employees, volunteers or others working on behalf of the CITY, which arises out of or is in any way connected or associated with this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting solely from the act or omission of the CITY, its elected or appointed officials, employees, volunteers or others working on behalf of the CITY.
- 11. SERVICE PROVIDER shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required by this paragraph. All certificates of insurance shall be with insurance carriers licensed and admitted to do business in the State of Michigan. All certificates of insurance shall be with insurance carriers acceptable to the CITY. SERVICE PROVIDER shall maintain during the life of this Agreement the types of insurance coverage and minimum limits as set forth below:
  - A. <u>Workers' Compensation Insurance</u>: SERVICE PROVIDER shall procure and maintain during the life of this contract, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
  - B. <u>Commercial General Liability Insurance</u>: SERVICE PROVIDER shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$1,000,000 per occurrence for combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability

- Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.
- C. Motor Vehicle Liability: SERVICE PROVIDER shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$ 1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.
- D. <u>Additional Insured</u>: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be *Additional Insureds*: The City of Birmingham, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary and any other insurance maintained by the additional insureds shall be considered to be excess and non-contributing with this insurance required from SERVICE PROVIDER under this Section.
- E. <u>Cancellation Notice</u>: Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal shall be sent to: Finance Department, City of Birmingham, P.O. Box 3001, 151 Martin Street, Birmingham, Michigan 48012.
- F. <u>Proof of Insurance Coverage</u>: SERVICE PROVIDER shall provide the CITY at the time the contracts are returned for execution, Certificates of Insurance and/or policies, acceptable to the CITY, as listed below.
  - 1. Two (2) copies of Certificate of Insurance for Workers' Compensation;
  - 2. Two (2) copies of Certificate of Insurance for Commercial General Liability;
  - 3. Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
  - 4. If so requested, Certified Copies of all policies mentioned above will be furnished.
- G. <u>Coverage Expiration</u>: If any of the above coverages expire during the term of this Agreement, SERVICE PROVIDER shall deliver renewal certificates and/or policies to the CITY at least (10) days prior to the expiration date.

- 12. If, after the effective date of this Agreement, any official of the CITY or spouse, child, parent or in-law, of such official or employee shall become directly or indirectly interested in this Agreement, or the affairs of SERVICE PROVIDER, the CITY shall have the right to terminate this Agreement without further liability to SERVICE PROVIDER if the disqualification has not been removed within thirty (30) days after the CITY has given SERVICE PROVIDER notice of the disqualifying interest. Ownership of less than one percent (1%) of the stock or other equity interest in a corporation or partnership shall not be a disqualifying interest. Employment shall be a disqualifying interest.
- thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48<sup>th</sup> District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds \$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL §600.5001 et. seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Agreement. This Agreement shall be governed by the laws of the State of Michigan and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48<sup>th</sup> District Court.
- 14. This Agreement constitutes the entire agreement between the parties hereto pertaining to the subject matter hereof and supersedes all prior and contemporaneous agreements, understandings, negotiations and discussions, whether oral or written, of the parties, except as

specifically set forth herein. No supplement, modification, addition, deletion or waiver of this Agreement or any provision of this Agreement shall be binding unless executed in writing by both parties to be bound thereby.

- 15. SERVICE PROVIDER and the CITY agree that SERVICE PROVIDER shall be liable for its own actions and neither SERVICE PROVIDER nor its employees or contractors shall be construed as employees of the CITY. Neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. SERVICE PROVIDER, including its employees and contractors, shall not be considered entitled or eligible to participate in any benefits or privileges given or extended by the CITY, or be deemed an employee of the CITY for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation and other employer contributions on behalf of SERVICE PROVIDER or SERVICE PROVIDER's employees or contractors.
- 16. SERVICE PROVIDER acknowledges that in performing services pursuant to this Agreement, certain confidential and/or proprietary information (including, but not limited to, internal organization, methodology, personnel and financial information, etc.) may become involved. SERVICE PROVIDER recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the CITY. Therefore, the SERVICE PROVIDER agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. SERVICE PROVIDER shall inform its employees and contractors of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. SERVICE PROVIDER further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.

The said parties have caused th, 2021.	nis Agreement to be executed on this day of
WITNESSES / NOTARY PUBLIC	BIRMINGHAM YOUTH ASSISTANCE
By: Brendi Camplace	By: Self Stone
Notary Public signature above	Richard Stasys
Notary Public stamp below:	Its: Treasurer
BRANDI CAMPBELL  NOTARY PUBLIC, STATE OF MI COUNTY OF OAKLAND  MY COMMISSION EXPIRES Dec 1, 2022 ACTING IN COUNTY OF BOLIN COUNTY	
	CITY OF BIRMINGHAM
	By: Pierre Boutros, Mayor
	By: Alexandria D. Bingham, City Clerk
Approved:  Mend  Thomas M. Markus, City Manager (Approved as to substance)	Mark H. Clemence, Chief of Police (Approved as to substance)
Mark Gerber Director of Finance (Approved as to financial obligation) Kimberly Wickenheiser, Assistant Finance Director	Mary M. Kucharek, City Attorney (Approved as to form)

# **ATTACHMENT A - Birmingham Youth Assistance**

I. Funding Request: 2021/2022 \$18,000

II. Amount of funding received from city in current fiscal year: \$18,000

III. Organization's Purpose or Mission with Emphasis on how Organization Serves the City:

The mission of Birmingham Youth Assistance is to strengthen youth and families and to reduce the incidence of delinquency, abuse and neglect through community involvement. BYA is a partnership of the Oakland County Circuit Court – Family Division; the City of Birmingham and the Villages of Beverly Hills, Bingham Farms and Franklin; the Birmingham Public Schools; and community volunteers.

Birmingham Youth Assistance implements its mission through a two-part program. The first component provides family-focused casework services to youth and families residing within the boundaries of the Birmingham Public School District. The second component is various volunteer-based programs, described below.

- IV. Date(s) of Services(s): July 1, 2020 June 30, 2021
- V. Description of Services to be Provided (Scope of Work):

# A. Casework/Counseling

Short-term counseling and casework services, offered year-round, available during and after school hours, for youth and their families referred by police, school counselors or administrators, or parents.

These services include both preventing juvenile offenses and diverting at-risk youth from the court system, saving the community the costs of prosecution and incarceration.

In 2019, Birmingham Youth Assistance's caseworker referrals continued at a steady rate from both the schools and the Birmingham Police Department. Casework services have expanded to incorporate more group work and training to help accommodate the increased number of complex referrals. Of the 87 new referrals, 33 were from the Birmingham Police Department.

 Additionally, the caseworker has responsibility for local children re-entering the community upon completion of formal court placement. BYA had two for 2019.

**Birmingham Youth Assistance continues to retain its full-time County-paid caseworker** (not the situation for all Youth Assistance communities) to meet these needs, thanks to strong support from our municipalities, schools, and BYA volunteers.

B. <u>Prevention Programs and Positive Alternatives, including:</u>

<u>Camp</u> – Camp Scholarships for children from families in financial and/or emotional need.

<u>Youth Enrichment Program</u> – Designed to assist caseload families and provide skill building opportunities to their children. This includes but is not limited to: after school tutoring, special camps or clubs, and after school activities. These funds are also used to help offset the costs of boot camp and/or treatment based modalities.

<u>Support Groups for Children & Youth</u> – After-school and/or evening support groups may be offered to children and youth struggling with divorce, anger, anxiety, and peer relationships.

<u>Family Education</u> – Teaching parenting skills through classes and workshops. This also provides for group classes offered to youth and parents.

<u>Mentors Plus</u> – This is a county based one-to-one program that matches youth who need an extra-supportive relationship with a positive adult role model.

<u>Shoplifting Program</u> – A program for fifth grade classes that included a nationally recognized video and presentations by a police school-liaison officer and the Birmingham Youth Assistance caseworker.

<u>Youth – in – Service Recognition</u> – A recognition program to honor youth in the community for performing outstanding volunteer service.

### C. Public Relations and Events for Children and Families:

Some of these events charge an admittance fee to reduce program costs, but the main focus is to raise awareness of Birmingham Youth Assistance in the community and what BYA offers local youth and families, while providing a family fun event.

<u>Breakfast with Santa</u> – An annual seasonal event for young children and their families. Non-caseload youth and their families pay for the breakfast, which often is their first exposure to Birmingham Youth Assistance, in a positive setting.

<u>Kids' Dog Show</u> – this annual event features a "Best in Show" trophy, ribbons, and a T-shirt design contest, targeting pre-school, elementary and middle school age children and their families.

<u>Touch-a-Truck</u> – An annual family-oriented event for pre-school and elementary school age children, it features a variety of commercial and local municipality vehicles.

<u>Birmingham Farmer's Market and Day on the Town</u> – BYA volunteers donate time to help run the Kid's Zone which entails providing a craft for young children while sharing the BYA mission with parents and patrons of these community wide events.

### D. <u>Fundraising:</u>

<u>BYA RedRasier</u> – Our RedRaisers are our signature fundraising events developed to help raise funds for programming. Our plan is to offer these events annually or bi-annually as the opportunity arises.

- Summer Concert
- Hazel, Ravine and Downtown

VI. Describe Direct Benefit of Services to Birmingham Residents:

Through its intervention and prevention programs, Birmingham Youth Assistance helps prevent and reduce juvenile delinquency, child abuse and child neglect in this community.

The services of Birmingham Youth Assistance continues to relieve the City of Birmingham from providing these vital services directly using City personnel and facilities, and saves the much greater costs of sending these youth through the court and corrections facilities. An average stay at Children's Village is \$30,420 vs. \$300 for BYA services.

Birmingham Youth Assistance is a unique and irreplaceable asset in the community. We are proud to celebrate more than 50 years of serving the Birmingham Community.

- VII. Provide a detailed list of services provided in the 2020-2021 Fiscal Year (July 1, 2020 June 30, 2021). Include the following for each quarter:
  - Explanation of how the funds were used
  - Explanation of the service provided
  - Date/Time services provided
  - Number of Birmingham residents in attendance/effected by service

### First Quarter (July 1, 2020 – September 30, 2020)

- Explanation of how funds are used:
  - o Operational expenses \$1027.23
  - Program & Event Expenses:

✓	Camperships	\$610.00
$\checkmark$	Emergency Needs	\$673.00
	Total expense	\$2310.23

# Second Quarter October 1, 2020 – December 31, 2020)

- Explanation of how funds are used:
  - o Operational expenses \$3667.19
  - o Program & Event Expenses:

$\checkmark$	Kids Dog Show Material	\$82.09
Tot	al Expense	\$3749.28

# Third Quarter( January 1, 2021 – March 31, 2021)

• Explanation of how funds are used:

Ο	Operational expenses -	\$1200.53
$\circ$	Operational expenses -	31200.33

Program & Event Expenses:

✓ Annual Report \$62.00

Total expense \$1262.53

• Explanation of the service provided

# Fourth Quarter (January 1, 2021 – March 31, 2021)

• Explanation of how funds are used:

O Operational expenses - \$3472.4	0	Operational	expenses -	\$3472.42
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o Program & Event Expenses:

✓ Breakfast with Santa \$1218.59✓ Youth In Service Awards \$797.90

✓	Camp Scholarships	\$3346.75
✓	<b>Kids Dog Show Supplies</b>	570.77
Total expense		\$9406.43

Short-term counseling and casework services, offered year-round, available during and after school hours, for youth and their families referred by police, school counselors, administrators, or parents. \*Birmingham Youth Assistance Casework/Counseling services are currently being provided remotely due to the physical building/office closure related to Covid 19 and compliance with CDC requirements, since March 2020 and ongoing at this time. Through technology, families are receiving counseling contacts, appointments, education, resources, and continued services that includes additional support from stressors families have experienced related to the pandemic.

- These services include both preventing juvenile offenses and diverting at-risk youth from the court system, saving the community the costs of prosecution and incarceration.
- Additionally, the caseworker has responsibility for local children re-entering the community and school upon completion of formal court placement.

Birmingham Youth Assistance continues to retain its full-time County-paid caseworker (not the situation for all Youth Assistance communities) to meet these needs of local youth and families, thanks to strong support from our municipalities, schools, and BYA volunteers.

# \*\*Community Programming Service

Due to Covid-19 most community programming was cancelled or limited which included Youth Service Recognition, Camp, Touch A Truck, Red Raiser fundraising event and the Farmers Market Kid Zone.

Name of Organization:	<b>Birmingham</b>	<b>Youth</b>	<b>Assistance</b>

- VIII. Provide a detailed list of services provided in the 2020-2021 Fiscal Year (July 1, 2020 June 30, 2021). Attach additional sheets if necessary. Include the following for each quarter:
  - Date & Timeframe of each service provided
  - Explanation of the service provided
  - Number of Birmingham residents in attendance/effected by service
  - Explanation of how the funds were used

NOTE: Organizations receiving funding are required to provide invoices to the City for services coinciding with the timing of the delivery of those services.

Submitted by:	Richard Stasys	(Print Name)
,	•	— Name i

Title: <u>Treasurer</u>	
Signature:	Date: <u>06/25/2021</u>

Name of Organization: Birmingham Youth Assistance

# First Quarter (July 1, 2020 – September 30, 2020)

Name and Explanation of Program/Service	Date of Service	Duration of Service (timeframe)	Cost of Program/Service	# Total Participants	# of Birmingham Participants	Breakdown of funds used for Program/Service
Midcourse Challenge Camp - weekend overnight	7/24-7/26	3 days	\$ 499.00	1	1	Program \$499. BYA - \$250
Birmingham YMCA Day Camp	7/29-7/31	3 days	\$ 360.00	2	2	BYA \$360
Caseload Youth Bike Repair - skill building	9/29/2020	1 day	\$ 60.00	1	1	BYA \$60
Caseload Family Emergency Need - vehicle repair	29-Sep	1 time	\$ 613.05	6	6	OCYACC Emergency Need \$500, BYA scholarship \$113.05
Casework Youth & family Short Term Counseling	7/1-9/30	ongoing		81	81	

# Second Quarter (October 1, 2020 – December 31, 2020)

Name and Explanation of Program/Service		Duration of Service (timeframe)	Cost of Program/Servic	# Total Participants	# of Birmingham Participants	Breakdown of funds used for Program/Service
Casework Youth & family Short Term Counseling	10/1-12/31	ongoing		78	78	
BYA PPE equip/materials and caseworker/client	ongoing	one time purchase	1999.74		ongoing clients	BYA - \$1999.74
Kids Dog Show Materials	N/A	one time purchase	82.09	n/a		BYA - 82.09

Name of Organization: Birmingham Youth Assistance

# Third Quarter (January 1, 2021 – March 31, 2021)

Name and Explanation of Program/Service	Date of Service	Duration of Service (timeframe)	Cost of Program/Servic	# Total Participants	# of Birmingham Participants	Breakdown of funds used for Program/Service
Casework Youth & Family Short Term	1/1-3/31	onging	E	83	83	
*Due to Covid19 most community programming was cancelled						

# Fourth Quarter (April 1, 2021 – June 30, 2021)

Name and Explanation of	Date of	<b>Duration of Service</b>	Cost of	# Total	# of	Breakdown of funds used for
Program/Service	Service	(timeframe)	Program/Servic	Participants	Birmingham	Program/Service
			e		Particinants	
Camp Scholarships to various daycamps	6/28-8/23	5- 10 days	3346.75	16	16	1799 YMCA, 1406 BCE, 141.75 Camp
Awards Presented to students for community	6/1-6/10	6 weeks	797.9	11 Youth 6 adults	17	600 Cash Winner, \$120 Amazon Cards, 377.90
service during pandemic						photo with back drop
Breakfast with Santa & Presents	5-Dec	6 hours	1218.59	120 youths, 240	120 youths, 240	500 Townsend Deposit, \$718.59 supplies
				adults	adults	
Casework Youth & family short term	4/1-6/30	ongoing	4043.19	83	83	operational costs

### **SERVICES AGREEMENT**

THIS SERVICES AGREEMENT ("Agreement"), made this \_\_\_\_\_ day of \_\_\_\_\_\_\_, 2021 by and between the CITY OF BIRMINGHAM, having its principal office at 151 Martin Road, Birmingham, MI 48009 ("CITY"), and Common Ground, whose address is 1410 S. Telegraph, Bloomfield Hills, MI 48302 ("SERVICE PROVIDER"), provides as follows:

# **WITNESSETH:**

**WHEREAS,** the CITY desires to have certain services provided, which shall be of the type, nature and extent as set forth on Attachment A; and

**WHEREAS,** SERVICE PROVIDER desires to provide said services for the CITY, which it shall do in accordance with the experience it has attained from providing similar services of this nature, under the terms and conditions hereinafter stated.

**NOW, THEREFORE,** for and in consideration of the respective agreements and undertakings herein contained, the parties agree as follows:

- SERVICE PROVIDER shall perform the services as set forth on Attachment A. The type, nature and scope may be changed if mutually agreed upon in writing by SERVICE PROVIDER and the CITY.
- 2. The CITY shall pay a total of \$1,500.00 to SERVICE PROVIDER for the performance of this Agreement, which amount shall compensate SERVICE PROVIDER for all aspects of the services to be performed including, but not limited to, all preparation, coordination, management, staffing and all other services incidental thereto. Payment shall be made to SERVICE PROVIDER pursuant to the schedule contained in Attachment A.
- 3. All services performed shall be of the highest quality and standards that meet or exceed that which is required and expected in that service industry.

- 4. SERVICE PROVIDER shall provide and designate one supervisor responsible for the coordination of services provided, who shall handle problem solving and be the contact person for the CITY.
- 5. This Agreement shall commence immediately after both parties have signed in the place and manner indicated below and shall terminate in accordance with the provisions as set forth in Attachment A.
- 6. This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. SERVICE PROVIDER agrees to perform all services provided for in this Agreement in accordance with and in full compliance with all local, state and federal laws and regulations.
- 7. If any provision of this Agreement is declared invalid, illegal or unenforceable, such provision shall be severed from this Agreement and all other provisions shall remain in full force and effect.
- 8. This Agreement shall be binding upon the successors and assigns of the parties hereto, but no such assignment shall be made by SERVICE PROVIDER without the prior written consent of the CITY. Any attempt at assignment without prior written consent shall be void and of no effect.
- 9. SERVICE PROVIDER agrees that neither it nor its employees will discriminate against any employee, independent contractor, or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. SERVICE PROVIDER shall inform the CITY of all claims or suits asserted against it by SERVICE PROVIDER's employees or contractors who work pursuant to this Agreement. SERVICE

PROVIDER shall provide the CITY with periodic status reports concerning all such claims or suits, at intervals established by the CITY.

- 10. To the fullest extent permitted by law, SERVICE PROVIDER and any entity or person for whom SERVICE PROVIDER is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the CITY, its elected and appointed officials, employees and volunteers and others working on behalf of the CITY against any and all claims, demands, suits, or loss, including all costs connected therewith, including reasonable attorney fees, and for any damages which may be asserted, claimed or recovered against or from the CITY, its elected and appointed officials, employees, volunteers or others working on behalf of the CITY, which arises out of or is in any way connected or associated with this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting solely from the act or omission of the CITY, its elected or appointed officials, employees, volunteers or others working on behalf of the CITY.
- 11. SERVICE PROVIDER shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required by this paragraph. All certificates of insurance shall be with insurance carriers licensed and admitted to do business in the State of Michigan. All certificates of insurance shall be with insurance carriers acceptable to the CITY. SERVICE PROVIDER shall maintain during the life of this Agreement the types of insurance coverage and minimum limits as set forth below:
  - A. <u>Workers' Compensation Insurance</u>: SERVICE PROVIDER shall procure and maintain during the life of this contract, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
  - B. <u>Commercial General Liability Insurance</u>: SERVICE PROVIDER shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$1,000,000 per occurrence for combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability

- Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.
- C. Motor Vehicle Liability: SERVICE PROVIDER shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$ 1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.
- D. <u>Additional Insured</u>: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be *Additional Insureds*: The City of Birmingham, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary and any other insurance maintained by the additional insureds shall be considered to be excess and non-contributing with this insurance required from SERVICE PROVIDER under this Section.
- E. <u>Cancellation Notice</u>: Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal shall be sent to: Finance Department, City of Birmingham, P.O. Box 3001, 151 Martin Street, Birmingham, Michigan 48012.
- F. <u>Proof of Insurance Coverage</u>: SERVICE PROVIDER shall provide the CITY at the time the contracts are returned for execution, Certificates of Insurance and/or policies, acceptable to the CITY, as listed below.
  - 1. Two (2) copies of Certificate of Insurance for Workers' Compensation;
  - 2. Two (2) copies of Certificate of Insurance for Commercial General Liability;
  - 3. Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
  - 4. If so requested, Certified Copies of all policies mentioned above will be furnished.
- G. <u>Coverage Expiration</u>: If any of the above coverages expire during the term of this Agreement, SERVICE PROVIDER shall deliver renewal certificates and/or policies to the CITY at least (10) days prior to the expiration date.

- 12. If, after the effective date of this Agreement, any official of the CITY or spouse, child, parent or in-law, of such official or employee shall become directly or indirectly interested in this Agreement, or the affairs of SERVICE PROVIDER, the CITY shall have the right to terminate this Agreement without further liability to SERVICE PROVIDER if the disqualification has not been removed within thirty (30) days after the CITY has given SERVICE PROVIDER notice of the disqualifying interest. Ownership of less than one percent (1%) of the stock or other equity interest in a corporation or partnership shall not be a disqualifying interest. Employment shall be a disqualifying interest.
- thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48<sup>th</sup> District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds \$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL §600.5001 et. seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Agreement. This Agreement shall be governed by the laws of the State of Michigan and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48<sup>th</sup> District Court.
- 14. This Agreement constitutes the entire agreement between the parties hereto pertaining to the subject matter hereof and supersedes all prior and contemporaneous agreements, understandings, negotiations and discussions, whether oral or written, of the parties, except as

specifically set forth herein. No supplement, modification, addition, deletion or waiver of this Agreement or any provision of this Agreement shall be binding unless executed in writing by both parties to be bound thereby.

- 15. SERVICE PROVIDER and the CITY agree that SERVICE PROVIDER shall be liable for its own actions and neither SERVICE PROVIDER nor its employees or contractors shall be construed as employees of the CITY. Neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. SERVICE PROVIDER, including its employees and contractors, shall not be considered entitled or eligible to participate in any benefits or privileges given or extended by the CITY, or be deemed an employee of the CITY for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation and other employer contributions on behalf of SERVICE PROVIDER or SERVICE PROVIDER's employees or contractors.
- 16. SERVICE PROVIDER acknowledges that in performing services pursuant to this Agreement, certain confidential and/or proprietary information (including, but not limited to, internal organization, methodology, personnel and financial information, etc.) may become involved. SERVICE PROVIDER recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the CITY. Therefore, the SERVICE PROVIDER agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. SERVICE PROVIDER shall inform its employees and contractors of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. SERVICE PROVIDER further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.

The said parties have caused th	is Agreement to be executed on this day of
, 2021.	
WITNESSES / NOTARY PUBLIC	COMMON GROUND
By: Jennyler David	By: pleather Rac
Notary Public signature above	Heather Rae
Notary Public stamp below:	Its: President and CEO
MOTARY PUBLIC, STATE OF MI COUNTY OF OAKLAND MY COMMISSION EXPIRES DOC 18, 2024 ACTING IN COUNTY OF OAKLAND	
	CITY OF BIRMINGHAM
	By: Pierre Boutros, Mayor
	By: Alexandria D. Bingham, City Clerk
Approved:  Thomas M. Markus, City Manager (Approved as to substance)	Mark H. Clemence, Chief of Police (Approved as to substance)
Kimbely Wiekenheuer Mark Gerber Director of Finance (Approved as to financial obligation) Kimbely Wickenheiser, Assistant Finance Director	Mary M. Kusharek, City Attorney (Approved as to form)

	Name of Organization:
	Funding Request:
Ι.	Amount of funding received from City in current fiscal year:
	Organization's Purpose or Mission:
	Description of Services to be provided (Scope of Work):
	Explain the value of the services to the City of Birmingham:
Ι.	Provide a list of the other funding sources: (List below. Attach additional sheet if necessary.

Name of Organization:
VIII. Provide a detailed list of services provided in the 2020-21 Fiscal Year (July 1, 2020 -
June 30, 2021). Include the following for each quarter:
<ul> <li>Date &amp; Time frame of each service provided</li> </ul>
<ul> <li>Explanation of the service provided</li> </ul>
<ul> <li>Number of Birmingham residents in attendance/effected by service</li> </ul>
<ul> <li>Explanation of how the funds were used</li> </ul>
(Use Attachment B to record the services. Attach additional sheets if necessary.)
NOTE: Organizations receiving funding are required to provide invoices to the City for services coinciding with the timing of the delivery of those services.
Submitted by: Title:
(Print Name)
Signature: Date:

## Name of Organization: Common Ground

# First Quarter (July 1, 2020 – September 30, 2020)

7/2020         Crisis Services         3         3X \$670 = 2010           8/2020         Crisis Services         3         3X \$670 = 2010           9/2020         Crisis Services         1         1 X \$670 = 670           9/2020         Crisis Services         1         1 X \$670 = 670           9/2020         Crisis Services         1         1 X \$670 = 670           9/2020         Crisis Services         1         1 X \$670 = 670           9/2020         Crisis Services         1         1 X \$670 = 670           9/2020         Crisis Services         1         1 X \$670 = 670	Date of Service	Duration of Service (timeframe)	Explain the services provided	Number of Birmingham residents in attendance or affected by the service	Breakdown of the funds used for that service	
Crisis Services         3           Crisis Services         1           Cris Services         1 <td>020</td> <td></td> <td>Crisis Services</td> <td>3</td> <td>3X \$670 = 2010</td> <td></td>	020		Crisis Services	3	3X \$670 = 2010	
Crisis Services         1           Cris Services         1 <td>020</td> <td></td> <td>Crisis Services</td> <td>3</td> <td>3X \$670 = 2010</td> <td></td>	020		Crisis Services	3	3X \$670 = 2010	
	020		Crisis Services	1	1 X \$670 = 670	

# Second Quarter (October 1, 2020 – December 31, 2020

Breakdown of the funds used for that service	2X \$670 = 1340	1 X \$670 = 670	4X \$670 = 2680				
Number of Birmingham residents in attendance or affected by the service	2	1	4				
Explain the services provided	Crisis Services	Crisis Services	Crisis Services				
Duration of Service (timeframe)							
Date of Service	10/2020	11/2020	12/2020				

## Name of Organization: Common Ground

## Third Quarter (January 1, 2021 – March 31, 2021)

Breakdown of the funds used for that service		4 X \$670 = 2680	4 X \$670 = 2680	1 X \$670 = 670			
Number of Birmingham residents in attendance or affected by the service		4	4	1			
Explain the service provided		Crisis Services	Crisis Services	Crisis Services			
Duration of Service (timeframe)							
Date of Service		1/2021	2/2021	3/2021			

## Fourth Quarter (April 1, 2021 – June 30, 2021)

Number of Birmingham Breakdown of the funds used for residents in attendance or affected by the service	2 2X \$670 = 1340	2 2X \$670 = 1340				
Explain the service provided	Crisis Services	Crisis Services				
Duration of Service (timeframe)						
Date of Service	5/2021	6/2021				



### **MEMORANDUM**

**Police Department** 

DATE: June 16, 2021

TO: Thomas M. Markus, City Manager

FROM: Mark H. Clemence, Chief of Police

SUBJECT: Contract Lane Painting - Pavement Markings 2021-22

Addenda to Extend Hart Pavement Marking Striping Corporation

and PK Contracting, Inc. Agreements

### INTRODUCTION:

Latex paint based pavement markings are refreshed on city streets twice per year – during fall and spring. There are two pavement marking classifications – handwork and longline pavement markings. Handwork pavement markings consist of crosswalks, parking spaces, legends and symbols. Long line pavement markings consist of white and yellow "longline" painting such as centerlines, solid white lane markers and bicycle paths. Annual maintenance of pavement markings is identified in the Major Streets contract lane painting budget. Longline pavement markings are applied only once per year (spring) while handwork markings are completed in both spring and fall. Pavement markings that are not of a waterborne nature (polyurea, thermal plastic, etc.) are repaired as part of other contracts or requests for service.

### BACKGROUND:

On July 18, 2019, the police department requested sealed invitations to bid (ITBs) on MITN for annual pavement markings for the 2019-20 fiscal year. Bids were publicly opened on August 1, 2019. Three bids were received for handwork for the fall of 2019 and spring of 2020 as follows:

Hart Pavement Striping	Fall 2019 Spring 2020 Total	\$43,200.00 \$64,000.00 \$107,000.00
JV Contracting	Fall 2019 Spring 2020 Total	\$59,624.00 \$118,412.00 \$178,036.00
PK Contracting, Inc.	Fall 2019 Spring 2020 Total	\$175,166.00 \$331,189.50 \$507,335.50

On September 16, 2019 the City Commission awarded a contract in the amount of \$107,000 to Hart Pavement Striping Corporation for the fall 2019 and spring 2020 handwork painting duties. The work was satisfactorily completed.

As part of the same bid solicitation, proposals were also received for longline / centerline pavement markings for the spring of 2020 as follows:

Hart Pavement Striping NO BID (vendor does not own equipment for longline work)

JV Contracting \$12,695.00

PK Contracting, INC. \$10,027.00

On September 16, 2019 the City Commission awarded a contract in the amount of \$10,027.00 to PK Contracting for spring 2020 centerline painting markings. The work was satisfactorily completed.

The ITB from the August 1, 2019 bid opening and contracts (page 1 paragraph 7) provide for the City to offer the successful vendors an option to extend at the same rate for (2) additional years through mutual consent. On September 14, 2020 the City Commission approved contract extensions for Hart Pavement Striping and PK Contracting, Inc. for the pavement marking services for the 2020-21 fiscal year. The police department recommends extending the contract in the amount of \$107,000.00 to Hart Pavement Striping Corporation for the fall 2021 and spring 2022 handwork painting duties. The police department also recommends extending the contract in the amount of \$10,027.00 to PK Contracting for spring 2022 centerline painting markings. Invitations to Bid will be solicited in the spring of 2022 for the 2022-23 fiscal year pavement marking projects.

### LEGAL REVIEW:

The city attorney has prepared the attached Addendum to extend the Hart Pavement Striping Corporation pavement markings contract and the Addendum to extend the PK Contracting, Inc. pavement markings contract.

### FISCAL IMPACT:

Sufficient funding is available in the 2021-22 major streets budget contract lane painting account for these expenditures.

### SUMMARY:

Hart Pavement Striping Corporation has been providing pavement marking services for the City of Birmingham since 2003. Hart Pavement Striping is a small locally owned company specializing in handwork (no centerline equipment) with a lower overhead and fewer clients. Hart has served the City well and has always been responsive to City staff concerning any additions, deletions or alterations to contracts to ensure that the City receives the highest quality products and services.

PK Contracting is an excellent vendor that has provided quality pavement markings to the City of Birmingham for decades.

### ATTACHMENTS:

- 1. Addendum to Extend the Hart Pavement Striping Corporation pavement markings contract
- 2. Addendum to Extend the PK Contracting, Inc. pavement markings contract
- 3. Invitation to Bid
- 4. Hart Pavement Striping Corporation Attachment A (Agreement)

- 5. Hart Pavement Striping Corporation Attachment B (Bidder's Agreement)
- 6. Hart Pavement Striping Corporation Attachment C (Cost Proposal 2 pages)
- 7. Hart Pavement Striping Corporation Attachment D (Iran Sanctions Act Vendor Certification Form)
- 8. PK Contracting, Inc. Attachment A (Agreement)
- 9. PK Contracting, Inc. Attachment B (Bidder's Agreement)
- 10. PK Contracting, Inc. Attachment C (Cost Proposal 3 pages)
- 11. PK Contracting, Inc. Attachment D (Iran Sanctions Act Vendor Certification Form)

### SUGGESTED RESOLUTION:

To approve the addendum to extend the contract for 2021-22 handwork pavement markings with Hart Pavement Striping Corporation in the amount of \$107,000.00 for combined fall 2021 and spring 2022 applications; further to approve the addendum to extend the contract for pavement marking longlines with PK Contracting, Inc. in the amount of \$10,027.00 for spring 2022 pavement markings; further authorizing and directing the mayor and city clerk to sign the addenda on behalf of the city; further to authorize these budgeted expenditures from account number 202-303-001-937.0200.

## ADDENDUM TO EXTEND THE HART PAVEMENT STRIPING CORPORATION PAVEMENT MARKINGS CONTRACT

THIS ADDENDUM to extend the Pavement Markings contract 2019-20 as authorized on page 1 paragraph 7 of the Invitation to Bid for Pavement for Markings 2019-20 dated August 1, 2019 which has been incorporated into the agreement by and between the CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI and HART PAVEMENT STRIPING CORPORATION having its principal office at 3330 Warren Drive, Waterford, MI 48329, for the fall of 2021 through the spring of 2022 for handwork painting duties, and the City of Birmingham in consideration of such duties shall pay Hart Pavement Striping Corporation the sum of One Hundred Seven Thousand Dollars (\$107,000.00).

All other provisions of the Pavement Markings Contract 2019-2020 dated September 2019, a copy of which is attached hereto and incorporated by reference, shall remain in full force and effect.

IN WITNESS WHEREOF, the said parties have caused this Addendum to be executed on this day of \_\_\_\_\_\_, 2021. **WITNESSES / NOTARY PUBLIC** HART PAVEMENT STRIPING CORPORATION Notary Public signature above Dann D. Hart, President Notary Public stamp below: Its: President COUNTY OF OAKLAND MY COMMISSION EXPIRES Dec 18, 2024 ACTING IN COUNTY OF DOUGLANCE **CITY OF BIRMINGHAM** By: \_\_\_\_\_ Pierre Boutros, Mayor By: \_\_\_\_\_ Alexandria D. Bingham, Clerk

### Approved:

Thomas M. Markus, City Manager (Approved as to substance)

Kindruly Weekenheuses

Mark Gerber, Director of Finance (Approved as to financial obligation)

Kimberly Wickenheiser, Assistant Finance Director Mark H. Clemence, Chief of Police (Approved as to substance)

Mary M. Kucharek, City Attorney (Approved as to form)

## PAVEMENT MARKINGS CONTRACT

THIS ADDENDUM to extend the Pavement Markings contract 2019-20 as authorized on page 1 paragraph 7 of the Invitation to Bid for Pavement for Markings 2019-20 dated August 1, 2019 which has been incorporated into the agreement by and between the CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI and PK CONTRACTING, INC. having its principal office at 1965 Barrett Rd., Troy, MI 48084, for the spring of 2022 for centerline and edge line pavement parkings, and the City of Birmingham in consideration of such duties shall pay PK Contracting the sum of Ten Thousand Twenty-seven Dollars (\$10,027.00).

All other provisions of the Pavement Markings Contract 2019-2020 dated September 2019, a copy of which is attached hereto and incorporated by reference, shall remain in full force and effect.

of which is attached hereto and incorporat	ed by i	ererence, shall remain in full force	and enect.
IN WITNESS WHEREOF, the said pa	rties ha	ve caused this Addendum to be ex	ecuted on this
WITNESSES / NOTARY PUBLIC	РК С	CONTRACTING, INC.	
By: Karen Bissonette	By:	dibelde	
Notary Public signature above		Nicholas C. Shea	
Notary Public stamp below:  Karen Bissonette Notary Public, Macomb County, MI My Commission Expires 05/07/24 Acting in Oakland County	Its:	Vice President	
	CITY	OF BIRMINGHAM	
	Ву:	<u> </u>	
		Pierre Boutros, Mayor	
	Ву:		3
		Alexandria D. Bingham, Clerk	

### Approved:

Thomas M. Markus, City Manager (Approved as to substance)

Mark H. Clemence, Chief of Police (Approved as to substance)

Mark Gerber, Director of Finance (Approved as to financial obligation)

Kimberly Wickenheiser, Assistant Finance Director

Mary M. Kucharek, City Attorney

(Approved as to form)



### INVITATION TO BID

Sealed bids endorsed "PAVEMENT MARKINGS 2019-20" will be received by the City of Birmingham, Michigan at the Office of City Clerk, 151 Martin Street, P.O. Box 3001, Birmingham, MI, 48012 until Tuesday, August 1, 2019 at 10:00 a.m., at which time the bids will be publicly opened and read.

The descriptions for markings and quantities of items to be painted are indicated on the attached sheets. The painting will include yellow, white, and blue glass beaded paint to meet or exceed Michigan Department of State Highway and Transportation specifications (waterborne). Two price quotes are requested, one for the fall of 2019 and one for the spring of 2020. Note that quantities differ between spring and fall items to be painted. Additionally, the long line pavement markings are only applied during the spring of 2020, there are no yellow or white long line projects or bid forms for the fall of 2019. This is not an all or none award, vendors may choose to bid for long line only, handwork only, or may submit bids for the entire scope of work. The Streets are to be painted during the late NIGHT/EARLY MORNING HOURS WHEN VEHICULAR TRAFFIC IS MINIMAL.

Materials and bids shall be submitted in accordance with the attached specifications and bid forms prepared by the Birmingham Police Department. Materials and services must be delivered as detailed in accordance with the specifications contained in the Invitation to Bid (ITB).

Specifications are available exclusively via the Michigan Intergovernmental Trade Network (MITN).\*

Bids must be submitted in a sealed envelope marked "PAVEMENT MARKINGS 2019-20". The date and time of the bid opening must be marked on the envelope.

The City of Birmingham reserves the right to reject any or all proposals and to waive any irregularity in a bid when deemed in the best interest of the City.

The City of Birmingham may offer the successful vendor an option to extend at the same rate for two (2) additional years through mutual consent.

The acceptance of any proposal made pursuant to this invitation shall not be binding upon the City until an agreement has been executed and a written purchase order has been delivered to the successful bidder.

<sup>\*</sup> The City of Birmingham is part of an organization called the Michigan Intergovernmental Trade Network (MITN), a group of agencies that joined forces to create a regional bid notification system to notify companies of new bid opportunities. Bids, quotations and proposals are posted online. All vendors are encouraged to visit <a href="https://www.govbids.com">www.govbids.com</a> and click on "The Michigan MITN System" link in order to register their company and gain access to new bids and proposals. If you do not have internet access, please call 1-800-835-4603, to speak to a representative at IPT BidNet®, the technical support group that handles the MITN system.

Submitted to MITN: July 18, 2019

Deadline for Submissions: August 1, 2019 at 10:00 a.m.

Contact Person: Ellen DeView, Staff & Services Coordinator

Birmingham Police Department P.O. Box 3001, 151 Martin Street

Birmingham, MI 48012 Phone: (248) 530-1869

Email: <a href="mailto:edeview@bhamgov.org">edeview@bhamgov.org</a>

The ITB, including the specifications, may be obtained online from the Michigan Inter-governmental Trade Network at <a href="http://www.mitn.info">http://www.mitn.info</a> or at the City of Birmingham, 151 Martin St., Birmingham, Michigan, ATTN: Ellen DeView.



## **INVITATION TO BID**For PAVEMENT MARKINGS 2019-20

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## INVITATION TO BID For PAVEMENT MARKINGS 2019-20

### GENERAL CONDITIONS AND INSTRUCTIONS TO BIDDERS

All information requested of the vendor shall be entered in the appropriate space on the attached form(s). Failure to do so may disqualify the bid.

All information shall be entered in ink or typewritten. Mistakes may be crossed out and corrections inserted before submission of the bid. The person signing the bid shall initial corrections in ink.

Corrections and/or modifications received after the closing time specified will not be accepted.

All bids shall be signed by an authorized officer or employee of the bidder.

Bids must be submitted by the date and at or prior to the time specified to be considered. No late bids, telegraphic bids, telephone bids, or facsimile bids will be accepted.

The City of Birmingham is exempt from State of Michigan and federal excise taxes.

All proposals shall include the following information: Vendor name, address, city, state, zip code, telephone number, and fax number. The company shall also provide the name, address, telephone number and e-mail address of an individual in their organization to whom notices and inquiries by the City should be directed as part of the bid.

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The City of Birmingham reserves the right:

- To award bids received on the basis of individual items, or group of items, or on the entire list of items.
- 2. To reject any and all bids, or any part thereof.
- 3. To waive any informality in the bids received.
- 4. To accept the bid that the City Commission shall deem to be in the best interest of City of Birmingham.

### INTRODUCTION

The purpose of this ITB is to request sealed bids from qualified parties presenting their qualifications, capabilities and costs to provide **PAVEMENT MARKINGS 2019-20** per the specifications on the attached sheets.

The City of Birmingham, Michigan will grant to the successful bidder a purchase order for the following:

## PAVEMENT MARKINGS 2019-20 FALL 2019 HANDWORK PAVEMENT MARKINGS 2019-20 SPRING 2020 HANDWORK PAVEMENT MARKINGS 2019-20 SPRING 2020 LONG LINES / CENTER LINES

For purposes of this Invitation to Bid the City of Birmingham will hereby be referred to as "City" and the vendor will hereby be referred to as "Contractor."

The City of Birmingham is accepting sealed bids from qualified vendors for the purchase of **PAVEMENT MARKINGS 2019-20**.

Bids for the purchase of **PAVEMENT MARKINGS 2019-20** are requested in this Invitation to Bid.

Bids, materials and services shall be submitted and delivered in accordance with the attached specifications, scope of work, and bid forms prepared by the City of Birmingham and contained in this Invitation to Bid (ITB).

During the evaluation process, the City reserves the right to request additional information or clarification from bidders. The City reserves the right to allow corrections of errors or omissions. At the discretion of the City, vendors submitting bids may be requested to provide sample materials or equipment. Vendors submitting bids may be requested to make oral presentations as part of the evaluation.

It is anticipated the selection of a vendor will be completed by August 5, 2019. A purchase order will be issued to the selected Contractor(s) following execution of the agreement(s).

### INVITATION TO SUBMIT A BID

Proposals shall be submitted no later than August 1, 2019 at 10:00 a.m. to:

City of Birmingham
Attn: City Clerk
151 Martin Street
Birmingham, Michigan 48009

One (1) original and one (1) copy of the proposal shall be submitted. The bid should be firmly sealed in an envelope, which shall be clearly marked on the outside, "PAVEMENT MARKINGS 2019-20". The date and time of the bid opening must also be marked on the envelope.

Any bid received after the due date cannot be accepted and will be rejected and returned, unopened, to the bidder.

### **INSTRUCTIONS TO BIDDERS**

- 1. Any and all forms requesting information from the bidder must be completed on the attached forms contained herein (see Contractor's Responsibilities).
- 2. Any request for clarification of this ITB shall be made <u>in writing</u> and delivered to: Ellen DeView, (248) 530-1869, <u>edeview@bhamgov.org</u>, City of Birmingham, 151 Martin Street, Birmingham, MI 48009. Such request for clarification shall be delivered, in writing, no later than 5 days prior to the deadline for submissions.
- 3. All bids must be submitted following the ITB format as stated in this document and shall be subject to all requirements of this document including the instruction to respondents and general information sections. All proposals must be regular in every respect and no interlineations, excisions, or special conditions shall be made or included in the ITB format by the respondent.
- 4. The contract will be awarded by the City of Birmingham to the most responsive and responsible bidder with the lowest price and the contract will require the delivery of the equipment pursuant to these documents.
- 5. Each respondent shall include in his or her bid, in the format requested, the cost of the equipment. Municipalities are exempt from Michigan State Sales and Federal Excise taxes. Do not include such taxes in the proposal figure. The City will furnish the successful contractor with tax exemption information when requested.
- 6. Each respondent shall include in their bid the following information: Firm name, address, city, state, zip code, telephone number, and fax number. The company shall also provide the name, address, telephone number and e-mail address of an individual in their organization to whom notices and inquiries by the City should be directed as part of their proposal.

### **EVALUATION PROCEDURE AND CRITERIA**

The evaluation panel will consist of City staff and any other person(s) designated by the City who will evaluate the proposals based on, but not limited to, the following criteria:

- 1. Ability to provide services and equipment as outlined.
- 2. Related experience with similar projects, vendor background, and personnel qualifications.
- 3. Quality of materials proposed.
- 4. Overall costs.
- 5. References.

### TERMS AND CONDITIONS

- 1. The City reserves the right to reject any or all bids received, waive informalities, or accept any proposal, in whole or in part, it deems best. The City reserves the right to award the contract to the next most qualified Contractor if the successful Contractor does not execute a contract within ten (10) days after the award of the proposal.
- 2. The City reserves the right to request clarification of information submitted and to request additional information of one or more Contractors.
- 3. The City reserves the right to terminate the contract at its discretion should it be determined that the services provided do not meet the specifications contained herein. The City may terminate this Agreement at any point in the process upon notice to Contractor sufficient to indicate the City's desire to do so. In the case of such a stoppage, the City agrees to pay Contractor for services rendered to the time of notice, subject to the contract maximum amount.
- 4. Any bid may be withdrawn up until the date and time set above for the opening of the proposals. Any bids not so withdrawn shall constitute an irrevocable offer, for a period of ninety (90) days, to provide the services set forth in the proposal.
- 5. The cost of preparing and submitting a bid proposal is the responsibility of the Contractor and shall not be chargeable in any manner to the City.
- 6. Payment will be made within thirty (30) days after invoice. Acceptance by the City is defined as authorization by the designated City representative to this project that all the criteria requested under the Scope of Work contained herein have been provided. Invoices are to be rendered each month following the date of execution of an Agreement with the City.
- 7. The Contractor will not exceed the timelines established for the completion of this project.
- 8. The successful bidder shall enter into and will execute the contract as set forth and attached as Attachment A.

### CONTRACTOR'S RESPONSIBILITIES

Each bidder shall provide the following as part of their proposal:

- 1. Complete and sign all forms requested for completion within this ITB.
  - a. Attachment A Agreement (pp. 11-16 only if selected by the City)
  - b. Attachment B Bidder's Agreement (p. 17)
  - c. Attachment C Cost Proposal (p. 18)
  - d. Attachment D Iran Sanctions Act Vendor Certification Form (p. 19).

Provide a description of completed projects that demonstrate the vendor's ability to complete projects of similar scope, size, and purpose, and in a timely manner, and within budget.

- 2. Provide a written plan detailing the anticipated timeline for completion of the tasks set forth in the Scope of Work (p. 10).
- 3. The Contractor will be responsible for any changes necessary for the plans to be approved by the City of Birmingham.
- 4. Provide a description of the firm, including resumes and professional qualifications of the principals involved in administering the project.
- 5. Provide a list of sub-contractors and their qualifications, if applicable.
- 6. Provide three (3) client references from past projects, include current phone numbers. At least two (2) of the client references should be for projects utilizing the same materials included in the Contractor's proposal.
- 7. The Contractor will be responsible for the disposal of all material and any damages which occur as a result of any of employees or subcontractors of the Contractor during this project.
- 8. The Contractor will be responsible for obtaining any associated permits at no cost to the Contractor.
- 9. Provide a project timeline addressing each section within the Scope of Work and a description of the overall project approach. Include a statement that the Contractor will be available according to the proposed timeline.

### CITY RESPONSIBILITY

1. The City will provide a designated representative to work with the Contractor to coordinate both the City's and Contractor's efforts and to inspect and verify any work performed by the Contractor.

2. The City will provide access to the City of Birmingham during regular business hours or during nights and weekends as approved by the City's designated representative.

### SETTLEMENT OF DISPUTES

The successful bidder agrees to certain dispute resolution avenues/limitations. Please refer to paragraph 17 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

### **INSURANCE**

The successful bidder is required to procure and maintain certain types of insurances. Please refer to paragraph 12 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

### CONTINUATION OF COVERAGE

The Contractor also agrees to provide all insurance coverages as specified. Upon failure of the Contractor to obtain or maintain such insurance coverage for the term of the agreement, the City may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the contract amount. In obtaining such coverage, The City shall have no obligation to procure the most cost effective coverage but may contract with any insurer for such coverage.

### **EXECUTION OF CONTRACT**

The bidder whose proposal is accepted shall be required to execute the contract and to furnish all insurance coverages as specified within ten (10) days after receiving notice of such acceptance. Any contract awarded pursuant to any bid shall not be binding upon the City until a written contract has been executed by both parties. Failure or refusal to execute the contract shall be considered an abandoned all rights and interest in the award and the contract may be awarded to another. The successful bidder agrees to enter into and will execute the contract as set forth and attached as Attachment A.

### INDEMNIFICATION

The successful bidder agrees to indemnify the City and various associated persons. Please refer to paragraph 13 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

### CONFLICT OF INTEREST

The successful bidder is subject to certain conflict of interest requirements/restrictions. Please refer to paragraph 14 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

### **EXAMINATION OF BID MATERIALS**

The submission of a proposal shall be deemed a representation and warranty by the Contractor that it has investigated all aspects of the ITB, that it is aware of the applicable facts pertaining to the ITB process and its procedures and requirements, and that it has read and understands the ITB. Statistical information which may be contained in the ITB or any addendum thereto is for informational purposes only.

### **PROJECT TIMELINE**

July 18, 2019	PAVEMENT MARKINGS 2019-20 posted on MITN
August 1, 2019	Bids Due – open at 10:00 a.m. Office of the City Clerk
August 19, 2019	Agreement(s) to City Commission for Approval
August 22, 2019	Purchase order(s) for <b>PAVEMENT MARKINGS 2019-20</b> awarded to
	successful vendor(s)

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The Contractor will not exceed the timelines established for the completion of this project.

### **SCOPE OF WORK**

The Contractor shall provide the following equipment and services in accordance with the requirements as defined and noted herein: **PAVEMENT MARKINGS 2019-20** 

PROJECT LOCATION: Birmingham, Michigan 48009

- The City of Birmingham is accepting sealed bids from qualified vendors to provide PAVEMENT MARKINGS 2019-20. The City intends to award one contract to a single vendor.
- 2. The Contractor shall provide any and all manuals and/or warranty information related to this project to the City upon completion of the project.
- 3. This section and referenced documents shall constitute the Scope of Work for this project and as such all requirements must be met.
- 4. All bids submitted for the **PAVEMENT MARKINGS 2019-20** must include specifications as listed in this Invitation to Bid.

### **ATTACHMENT A - AGREEMENT**

### For PAVEMENT MARKINGS 2019-20

This AGREEMENT, made thisday of, 2019, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called "City"), and, Inc., having its principal office at (hereinafter called "Contractor"), provides as follows:
WITNESSETH:
WHEREAS, the City is desirous of selecting a vendor for the purchase of PAVEMENT MARKINGS 2019-20 and in connection therewith has prepared an Invitation to Bid ("ITB"), which includes certain instructions to bidders, specifications, terms and conditions.
<b>WHEREAS</b> , the Contractor has professional qualifications that meet the project requirements and has made a bid in accordance with such request for cost proposals to provide <b>PAVEMENT MARKINGS 2019-20</b> ,
<b>NOW, THEREFORE,</b> for and in consideration of the respective agreements and undertakings herein contained, the parties agree as follows:
1. It is mutually agreed by and between the parties that the documents consisting of the Request for Proposal to provide <b>PAVEMENT MARKINGS 2019-20</b> and the Contractor's cost proposal dated, 2019 shall be incorporated herein by reference and shall become a part of this Agreement, and shall be binding upon both parties hereto. If any of the documents are in conflict with one another, this Agreement shall take precedence, then the ITB.
2. The City shall pay the Contractor for the performance of this Agreement in a sum not to exceed the amount proposed for the purchase of a <b>PAVEMENT MARKINGS 2019-20</b> per the Contractor's, 2019 cost proposal.
3. This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Invitation to Bid.
4. The Contractor shall employ personnel of good moral character and fitness in performing all services under this Agreement.
5. The Contractor and the City agree that the Contractor is acting as an independent Contractor with respect to the Contractor 's role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Contractor nor its employees shall be construed as employees of the City. Nothing contained in this Agreement shall be construed to imply a joint venture or partnership and neither party, by

virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither the City nor the Contractor shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The Contractor shall not be entitled or eligible to participate in any benefits or privileges given or extended by the City, or be deemed an employee of the City for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation or any other employer contributions on behalf of the City.

- 6. The Contractor acknowledges that in performing services pursuant to this Agreement, certain confidential and/or proprietary information (including, but not limited to, internal organization, methodology, personnel and financial information, etc.) may become involved. The Contractor recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the City. Therefore, the Contractor agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. The Contractor shall inform its employees of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. The Contractor further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.
- 7. This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. The Contractor agrees to perform all services provided for in this Agreement in accordance with and in full compliance with all local, state and federal laws and regulations.
- 8. If any provision of this Agreement is declared invalid, illegal or unenforceable, such provision shall be severed from this Agreement and all other provisions shall remain in full force and effect.
- 9. This Agreement shall be binding upon the successors and assigns of the parties hereto, but no such assignment shall be made by the Contractor without the prior written consent of the City. Any attempt at assignment without prior written consent shall be void and of no effect.
- 10. The Contractor agrees that neither it nor its subcontractors will discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. The Contractor shall inform the City of all claims or suits asserted against it by the Contractor's employees who work pursuant to this Agreement. The Contractor shall provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.

- 11. The Contractor shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required under this paragraph. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan. All coverages shall be with carriers acceptable to the City of Birmingham.
- 12. The Contractor shall maintain during the life of this Agreement the types of insurance coverage and minimum limits as set forth below:
  - A. <u>Workers' Compensation Insurance</u>: Contractor shall procure and maintain during the life of this Agreement, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
  - B. <u>Commercial General Liability Insurance</u>: Contractor shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than **\$1,000,000** per occurrence combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.
  - C. <u>Motor Vehicle Liability</u>: Contractor shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.
  - D. <u>Additional Insured</u>: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be *Additional Insureds*: The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.
  - E. <u>Professional Liability</u>: Professional liability insurance with limits of not less than \$1,000,000 per claim if Contractor will provide service that are customarily subject to this type of coverage.
  - F. <u>Cancellation Notice</u>: Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance (and Professional Liability Insurance, if applicable), as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal, shall be sent to: Finance Director, City of Birmingham, PO Box 3001, 151 Martin Street, Birmingham, MI 48012-3001.

- G. <u>Proof of Insurance Coverage</u>: Contractor shall provide the City of Birmingham at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.
  - 1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance:
  - 2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance:
  - 3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
  - 4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance;
  - 5) If so requested, Certified Copies of all policies mentioned above will be furnished.
- H. <u>Coverage Expiration</u>: If any of the above coverages expire during the term of this Agreement, Contractor shall deliver renewal certificates and/or policies to the City of Birmingham at least (10) days prior to the expiration date.
- I. <u>Maintaining Insurance</u>: Upon failure of the Contractor to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.
- 13. To the fullest extent permitted by law, the Contractor and any entity or person for whom the Contractor is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Birmingham against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from and the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham.
- 14. If, after the effective date of this Agreement, any official of the City, or spouse, child, parent or in-law of such official or employee shall become directly or indirectly interested in this Agreement or the affairs of the Contractor, the City shall have the right to terminate this Agreement without further liability to the Contractor if the disqualification has not been removed within thirty (30) days after the City has given the Contractor notice of the disqualifying interest. Ownership of less than one percent (1%) of the stock or other equity interest in a corporation or partnership shall not be a disqualifying interest. Employment shall be a disqualifying interest.

- 15. If Contractor fails to perform its obligations hereunder, the City may take any and all remedial actions provided by the general specifications or otherwise permitted by law.
- 16. All notices required to be sent pursuant to this Agreement shall be mailed to the following addresses:

City of Birmingham Attn: Cherilynn Mynsberge 151 Martin Street Birmingham, MI 48009 (248) 530-1802 CONTRACTOR (Contractor Information to be Inserted by the City after award of bid).

- 17. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds \$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL§600.5001 et. seg., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Agreement. The laws of the State of Michigan shall govern this Agreement, and the arbitration shall take place in Oakland In the event that the parties elect not to have the matter in dispute County, Michigan. arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48th District Court.
- 18. <u>FAIR PROCUREMENT OPPORTUNITY:</u> Procurement for the City of Birmingham will be handled in a manner providing fair opportunity for all businesses. This will be accomplished without abrogation or sacrifice of quality and as determined to be in the best interest of the City of Birmingham.

### ATTACHMENT B - BIDDER'S AGREEMENT

### For PAVEMENT MARKINGS 2019-20

In submitting this proposal, as herein described, the Contractor agrees that:

- 1. They have carefully examined the specifications, terms and Agreement of the Invitation to Bid and all other provisions of this document and understand the meaning, intent, and requirement of it.
- 2. They will enter into a written contract and furnish the item or items in the time specified in conformance with the specifications and conditions contained therein for the price quoted by the proponent on this proposal.

PREPARED BY (Print Name)	DATE
TITLE	DATE
AUTHORIZED SIGNATURE	E-MAIL ADDRESS
COMPANY	
ADDRESS	PHONE
NAME OF PARENT COMPANY	PHONE
ADDRESS	

## ATTACHMENT C – COST PROPOSAL (1 OF 3) FALL 2019 HANDWORK

For "PAVEMENT MARKINGS 2019-20"

## NOTE: QUANTITIES ARE APPROXIMATE BIDDER TO COMPLETE ALL BLANKS IN THIS DOCUMENT

ITEM	EST	DESCRIPTION OF WORK	UNIT	ITEM
	QTY		PRICE	TOTAL
1	11,500	6" CROSS		
2	12,000	12" CROSS		
3	3,200	24" CROSS		
4	13,000	YELLOW CURB		
5	6	SCHOOL LEGENDS		
6	55	ONLY LEGENDS		
7	0	25 MPH LEGENDS		
8	71	LEFT TURN ARROWS		
9	14	RIGHT TURN ARROWS		
10	11	THRU ARROWS		
11	19	COMBO ARROWS		
12	0	BLUE CURB		
13	7	HANDICAP SYMBOLS		
14	2,200	6" BLUE		
15	20,000	6" PARKING		
16	600	6" WHITE HATCH – CROSSWALKS		
17	500	12" WHITE HATCH – CROSSWALKS		
18	2,900	16" WHITE HATCH – CROSSWALKS		
19	100	18" WHITE HATCH – CROSSWALKS		
20	20	12" STOP		
21	400	18" STOP		
22	2,400	24" STOP		
23	0	4" WHITE - PARKING LOTS		
24	2,500	6" WHITE – PARKING LOTS		
25	0	6" YELLOW – PARKING LOTS		
26	500	YELLOW CURB – PARKING LOTS		
27	2,600	4" BLUE – PARKING LOTS		
28	500	6" BLUE – PARKING LOTS		
29	100	HANDICAP SYMBOLS – PARKING LOTS and METER SPACES		
30	0	YELLOW LINE - SEE ATTACHED LIST		
31	0	WHITE LINE – SEE ATTACHED LIST		
32	10	SHARROWS (TRAVEL LANE SYMBOL FOR CYCLISTS)		
33	40	MOPED SYMBOLS (STENCIL PLUS 4" WHITE LINES)		
34		MOBILIZATION / SETUP CHARGE		
		BID GRAND TOTAL AMOUNT (FALL 2019)		

It is understood and agreed that all bid prices shall remain in effect for at least ninety (90) days from the date of bid opening to allow for the award of the bid.

### ATTACHMENT C – COST PROPOSAL (2 OF 3) SPRING 2020 HANDWORK

For "PAVEMENT MARKINGS 2019-20"

## NOTE: QUANTITIES ARE APPROXIMATE BIDDER TO COMPLETE ALL BLANKS IN THIS DOCUMENT

ITEM	EST QTY	DESCRIPTION OF WORK	UNIT PRICE	ITEM TOTAL
1	24,000	6" CROSS	TRICE	TOTAL
2	19,400	12" CROSS		
3	3,200	24" CROSS		
4	28,200	YELLOW CURB		
5	33	SCHOOL LEGENDS		
6	76	ONLY LEGENDS		
7	14	25 MPH LEGENDS		
8	89	LEFT TURN ARROWS		
9	22	RIGHT TURN ARROWS		
10	15	THRU ARROWS		
11	31	COMBO ARROWS		
12	20	BLUE CURB		
13	9	HANDICAP SYMBOLS		
14	2,200	6" BLUE		
15	33,400	6" PARKING		
16	1,800	6" WHITE HATCH – CROSSWALKS		
17	1,600	12" WHITE HATCH – CROSSWALKS		
18	2,900	16" WHITE HATCH – CROSSWALKS		
19	90	18" WHITE HATCH – CROSSWALKS		
20	260	12" STOP		
21	940	18" STOP		
22	4,250	24" STOP		
23	1,000	4" WHITE - PARKING LOTS		
24	11,420	6" WHITE – PARKING LOTS		
25	2,130	6" YELLOW – PARKING LOTS		
26	1,100	YELLOW CURB – PARKING LOTS		
27	2,450	4" BLUE – PARKING LOTS		
28	900	6" BLUE – PARKING LOTS		
29	110	HANDICAP SYMBOLS – PARKING LOTS AND METER SPACES		
30	117,000	YELLOW LINE - SEE ATTACHED LIST		
31	50,100	WHITE LINE – SEE ATTACHED LIST		
32	90	SHARROWS (TRAVEL LANE SYMBOL FOR CYCLISTS)		
33	40	MOPED SYMBOLS (STENCIL PLUS 4" WHITE LINES)		
34		MOBILIZATION / SETUP CHARGE		
		BID GRAND TOTAL AMOUNT (SPRING 2020)		

It is understood and agreed that all bid prices shall remain in effect for at least ninety (90) days from the date of bid opening to allow for the award of the bid.

## SPRING 2020 YELLOW AND WHITE LONG LINES / CENTER LINES For "PAVEMENT MARKINGS 2019-20"

## NOTE: QUANTITIES ARE APPROXIMATE BIDDER TO COMPLETE ALL BLANKS IN THIS DOCUMENT

### STREETS TO BE PAINTED IN ACCORDANCE WITH MMUTCD:

Adams Road/Woodward to Big Beaver

Bates/Willits to Lincoln, and dead end of Bates

Bowers/Adams to Woodward

Bowers/East of Adams for approximately one block

Brown Street/Southfield to Hunter

Chester/Brown to Willits

Chesterfield for approximately 135' south of Quarton and also for approximately 200' North of Maple

Coolidge southbound between Derby and Maple

Derby/East of Adams for approximately one block

Elm Street/Haynes to Bowers

Elm Street/south of Maple for approximately 40'

Eton/Derby to Eton one block north of 14 Mile (include in bid amount – do not paint without approval)

14 Mile Road/Cummings to east city limits (north lane lines only)

Hamilton/Woodward to Hunter

Lincoln/Arlington to Eton and Cranbrook to Hillside

Maple/Cranbrook to Coolidge (Edenborough to Coolidge, north lane lines only)

Merrill/Southfield to Woodward

Oak Street/Hunter Boulevard to Woodward/Lakeside to City limits

Oakland Boulevard/Hunter to Lawndale

Old Woodward/North crossover to Willits/Oakland

Old Woodward/South crossover to Brown

Park Street/Maple to Oakland

Pierce Street/Maple to Brown

Shirley/from a point 300' north of Lincoln to a point 600' north of Lincoln

Southfield/Maple to I4 Mile Road

Willits/Woodward to Chester

ITEM	EST QTY	DESCRIPTION OF WORK	UNIT PRICE	ITEM TOTAL
1	117,000	YELLOW LINE - SEE ATTACHED LIST		
2	50,100	WHITE LINE – SEE ATTACHED LIST		
3		MOBILIZATION / SETUP CHARGE		
		BID GRAND TOTAL AMOUNT (SPRING 2020)		

It is understood and agreed that all bid prices shall remain in effect for at least ninety (90) days from the date of bid opening to allow for the award of the bid.

### ATTACHMENT C – COST PROPOSAL (3 OF 3)

## ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM For "PAVEMENT MARKINGS 2019-20"

Pursuant to Michigan law and the Iran Economic Sanctions Act, 2012 PA 517 ("Act"), prior to the City accepting any bid or proposal, or entering into any contract for goods or services with any prospective Vendor, the Vendor must certify that it is not an "Iran Linked Business", as defined by the Act.

By completing this form, the Vendor certifies that it is not an "Iran Linked Business", as defined by the Act and is in full compliance with all provisions of the Act and is legally eligible to submit a bid for consideration by the City.

PREPARED BY (Print Name)	DATE	
TITLE	DATE	
AUTHORIZED SIGNATURE	E-MAIL ADDRESS	
COMPANY		
ADDRESS	PHONE	
NAME OF PARENT COMPANY	PHONE	
ADDRESS		
TAVDAVED I D #		

### **ATTACHMENT A - AGREEMENT**

### For PAVEMENT MARKINGS 2019-20

This AGREEMENT, made thisday of
WITNESSETH:
<b>WHEREAS</b> , the City is desirous of selecting a vendor for the purchase of <b>PAVEMENT MARKINGS 2019-20</b> and in connection therewith has prepared an Invitation to Bid ("ITB"), which includes certain instructions to bidders, specifications, terms and conditions.
<b>WHEREAS</b> , the Contractor has professional qualifications that meet the project requirements and has made a bid in accordance with such request for cost proposals to provide <b>PAVEMENT MARKINGS 2019-20</b> ,
<b>NOW, THEREFORE,</b> for and in consideration of the respective agreements and undertakings herein contained, the parties agree as follows:
1. It is mutually agreed by and between the parties that the documents consisting of the Request for Proposal to provide <b>PAVEMENT MARKINGS 2019-20</b> and the Contractor's cost proposal datedJuly 24, 2019 shall be incorporated herein by reference and shall become a part of this Agreement, and shall be binding upon both parties hereto. If any of the documents are in conflict with one another, this Agreement shall take precedence, then the ITB.
2. The City shall pay the Contractor for the performance of this Agreement in a sum not to exceed the amount proposed for the purchase of a <b>PAVEMENT MARKINGS 2019-20</b> per the Contractor'sJuly 24, 2019 cost proposal.
3. This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Invitation to Bid.
4. The Contractor shall employ personnel of good moral character and fitness in performing all services under this Agreement.
5. The Contractor and the City agree that the Contractor is acting as an independent Contractor with respect to the Contractor 's role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Contractor nor its employees shall be construed as employees of the City. Nothing contained in this Agreement shall be construed to imply a joint venture or partnership and neither party, by

virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither the City nor the Contractor shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The Contractor shall not be entitled or eligible to participate in any benefits or privileges given or extended by the City, or be deemed an employee of the City for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation or any other employer contributions on behalf of the City.

- 6. The Contractor acknowledges that in performing services pursuant to this Agreement, certain confidential and/or proprietary information (including, but not limited to, internal organization, methodology, personnel and financial information, etc.) may become involved. The Contractor recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the City. Therefore, the Contractor agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. The Contractor shall inform its employees of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. The Contractor further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.
- 7. This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. The Contractor agrees to perform all services provided for in this Agreement in accordance with and in full compliance with all local, state and federal laws and regulations.
- 8. If any provision of this Agreement is declared invalid, illegal or unenforceable, such provision shall be severed from this Agreement and all other provisions shall remain in full force and effect.
- 9. This Agreement shall be binding upon the successors and assigns of the parties hereto, but no such assignment shall be made by the Contractor without the prior written consent of the City. Any attempt at assignment without prior written consent shall be void and of no effect.
- 10. The Contractor agrees that neither it nor its subcontractors will discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. The Contractor shall inform the City of all claims or suits asserted against it by the Contractor's employees who work pursuant to this Agreement. The Contractor shall provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.

- 11. The Contractor shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required under this paragraph. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan. All coverages shall be with carriers acceptable to the City of Birmingham.
- 12. The Contractor shall maintain during the life of this Agreement the types of insurance coverage and minimum limits as set forth below:
  - A. <u>Workers' Compensation Insurance</u>: Contractor shall procure and maintain during the life of this Agreement, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
  - B. <u>Commercial General Liability Insurance</u>: Contractor shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than **\$1,000,000** per occurrence combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.
  - C. <u>Motor Vehicle Liability</u>: Contractor shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.
  - D. <u>Additional Insured</u>: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be *Additional Insureds*: The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.
  - E. <u>Professional Liability</u>: Professional liability insurance with limits of not less than \$1,000,000 per claim if Contractor will provide service that are customarily subject to this type of coverage.
  - F. <u>Cancellation Notice</u>: Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance (and Professional Liability Insurance, if applicable), as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal, shall be sent to: Finance Director, City of Birmingham, PO Box 3001, 151 Martin Street, Birmingham, MI 48012-3001.

ATTACHMENT 2 27

- G. <u>Proof of Insurance Coverage</u>: Contractor shall provide the City of Birmingham at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.
  - 1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
  - 2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
  - 3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
  - 4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance;
  - 5) If so requested, Certified Copies of all policies mentioned above will be furnished.
- H. <u>Coverage Expiration</u>: If any of the above coverages expire during the term of this Agreement, Contractor shall deliver renewal certificates and/or policies to the City of Birmingham at least (10) days prior to the expiration date.
- I. <u>Maintaining Insurance</u>: Upon failure of the Contractor to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.
- 13. To the fullest extent permitted by law, the Contractor and any entity or person for whom the Contractor is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Birmingham against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from and the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham.
- 14. If, after the effective date of this Agreement, any official of the City, or spouse, child, parent or in-law of such official or employee shall become directly or indirectly interested in this Agreement or the affairs of the Contractor, the City shall have the right to terminate this Agreement without further liability to the Contractor if the disqualification has not been removed within thirty (30) days after the City has given the Contractor notice of the disqualifying interest. Ownership of less than one percent (1%) of the stock or other equity interest in a corporation or partnership shall not be a disqualifying interest. Employment shall be a disqualifying interest.

- 15. If Contractor fails to perform its obligations hereunder, the City may take any and all remedial actions provided by the general specifications or otherwise permitted by law.
- 16. All notices required to be sent pursuant to this Agreement shall be mailed to the following addresses:

City of Birmingham Attn: Cherilynn Mynsberge 151 Martin Street Birmingham, MI 48009 (248) 530-1802 CONTRACTOR

Hart Pavement Striping Corporation 3330 Warren Drive Waterford, MI 48329 Attn: Dann Hart

- Any controversy or claim arising out of or relating to this Agreement, or the breach 17. thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds \$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL§600.5001 et. seg., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Agreement. The laws of the State of Michigan shall govern this Agreement, and the arbitration shall take place in Oakland In the event that the parties elect not to have the matter in dispute County, Michigan. arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48th District Court.
- 18. <u>FAIR PROCUREMENT OPPORTUNITY:</u> Procurement for the City of Birmingham will be handled in a manner providing fair opportunity for all businesses. This will be accomplished without abrogation or sacrifice of quality and as determined to be in the best interest of the City of Birmingham.

ATTACHMENT 2 29

IN WITNESS WHEREOF, the said parties have caused this Agreement to be executed as of the date and year above written.

RPORATION
_
ity Clerk

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## ATTACHMENT B - BIDDER'S AGREEMENT

### For PAVEMENT MARKINGS 2019-20

In submitting this proposal, as herein described, the Contractor agrees that:

- 1. They have carefully examined the specifications, terms and Agreement of the Invitation to Bid and all other provisions of this document and understand the meaning, intent, and requirement of it.
- 2. They will enter into a written contract and furnish the item or items in the time specified in conformance with the specifications and conditions contained therein for the price quoted by the proponent on this proposal.

DANN HART	JULY 24, 2019
PREPARED BY	DATE
<b>(Print Name)</b> PRESIDENT	JULY 24, 2019
TITLE	DATE
al la	DDHART@HARTSTRIPING.COM
AUTHORIZED SIGNATURE	E-MAIL ADDRESS
HART PAVEMENT STRIPING CORP	PORATION
COMPANY	
3330 WARREN DRIVE, WATERFOR	D, MI 48329 (248) 673-3503
ADDRESS	PHONE
HART PAVEMENT STRIPING CORPO	DRATION (248) 673-3503
NAME OF PARENT COMPANY	PHONE
3330 WARREN DRIVE, WATERFOR,	MI 48329
ADDRESS	

## ATTACHMENT C – COST PROPOSAL (1 OF 3) FALL 2019 HANDWORK

For "PAVEMENT MARKINGS 2019-20"

## NOTE: QUANTITIES ARE APPROXIMATE BIDDER TO COMPLETE ALL BLANKS IN THIS DOCUMENT

ITEM	EST	DESCRIPTION OF WORK	UNIT	ITEM
	QTY		PRICE	TOTAL
1	11,500	6" CROSS	.30	3450.00
2	12,000	12" CROSS	.40	4800.00
3	3,200	24" CROSS	2.50	00.008
4	13,000	YELLOW CURB	.30	3900.00
5	6	SCHOOL LEGENDS	200.00	1200.00
6	55	ONLY LEGENDS	100,00	5500.00
7	0	25 MPH LEGENDS	150.00	0
8	71	LEFT TURN ARROWS	70	4970.00
9	14	RIGHT TURN ARROWS	70	980.00
10	11	THRU ARROWS	70	770.00
11	19	COMBO ARROWS	100	1900.00
12	0	BLUE CURB	.30	0
13	7	HANDICAP SYMBOLS	10.00	70.00
14	2,200	6" BLUE	.10	220.00
15	20,000	6" PARKING	.08	1600.00
16	600	6" WHITE HATCH – CROSSWALKS	.20	120.00
17	500	12" WHITE HATCH - CROSSWALKS	.40	200.00
18	2,900	16" WHITE HATCH - CROSSWALKS	.60	1740.00
19	100	18" WHITE HATCH – CROSSWALKS	.60	60.00
20	20	12" STOP	1.50	30.00
21	400	18" STOP	2.00	800.00
22	2,400	24" STOP	3.00	7200,00
23	0	4" WHITE - PARKING LOTS	.08	0
24	2,500	6" WHITE - PARKING LOTS	.10	250,00
25	0	6" YELLOW PARKING LOTS	.10	0
26	500	YELLOW CURB - PARKING LOTS	.30	150.00
27	2,600	4" BLUE - PARKING LOTS	.10	260.00
28	500	6" BLUE - PARKING LOTS	10.	50.00
29	100	HANDICAP SYMBOLS - PARKING LOTS and METER SPACES	10.00	1000.00
30	0	YELLOW LINE - SEE ATTACHED LIST	na	
31	0	WHITE LINE - SEE ATTACHED LIST	na	
32	10	SHARROWS (TRAVEL LANE SYMBOL FOR CYCLISTS)	150.00	1500.00
33	40	MOPED SYMBOLS (STENCIL PLUS 4" WHITE LINES)	25.00	
34	·	MOBILIZATION / SETUP CHARGE/DISCOUNT	-8520	
		BID GRAND TOTAL AMOUNT (FALL 2019)		43,200.00

It is understood and agreed that all bid prices shall remain in effect for at least ninety (90) days from the date of bid opening to allow for the award of the bid.

# ATTACHMENT C – COST PROPOSAL (2 OF 3) SPRING 2020 HANDWORK

For "PAVEMENT MARKINGS 2019-20"

## NOTE: QUANTITIES ARE APPROXIMATE BIDDER TO COMPLETE ALL BLANKS IN THIS DOCUMENT

ITEM	EST	DESCRIPTION OF WORK	UNIT	ITEM
	QTY		PRICE	TOTAL
1	24,000	6" CROSS	.30	7200.00
2	19,400	12" CROSS	40	7760.00
3	3,200	24" CROSS	2.50	8000.00
4	28,200	YELLOW CURB	.30	8460.00
5	33	SCHOOL LEGENDS	200.00	
6	76	ONLY LEGENDS	100.00	1 000.00
7	14	25 MPH LEGENDS	150.00	2100.00
8	89	LEFT TURN ARROWS	70	6230.00
9	22	RIGHT TURN ARROWS	70	1540.00
10	15	THRU ARROWS	70	1050.00
11	31	COMBO ARROWS	100	3100.00
12	20	BLUE CURB	30	6,00
13	9	HANDICAP SYMBOLS	10	90,00
14	2,200	6" BLUE	.10	220.00
15	33,400	6" PARKING	.08	2672.00
16	1,800	6" WHITE HATCH – CROSSWALKS	.20	360.00
17	1,600	12" WHITE HATCH – CROSSWALKS	.40	640.00
18	2,900	16" WHITE HATCH – CROSSWALKS	.60	1740.00
19	90	18" WHITE HATCH – CROSSWALKS	60	54.00
20	260	12" STOP	1.50	390.00
21	940	18" STOP	2.00	1880.00
22	4,250	24" STOP	3.00	12750.00
23	1,000	4" WHITE - PARKING LOTS	.08	80.00
24	11,420	6" WHITE - PARKING LOTS	.10	1142.00
25	2,130	6" YELLOW – PARKING LOTS	10-	213.00
26	1,100	YELLOW CURB – PARKING LOTS	30	330.00
27	2,450	4" BLUE – PARKING LOTS	.18	245.00
28	900	6" BLUE PARKING LOTS	.10	90.00
29	110	HANDICAP SYMBOLS - PARKING LOTS AND METER SPACES	10	1100.00
30	117,000	YELLOW LINE - SEE ATTACHED LIST	na	
31	50,100	WHITE LINE - SEE ATTACHED LIST	na	
32	90	SHARROWS (TRAVEL LANE SYMBOL FOR CYCLISTS)	150.00	13500.00
33	40	MOPED SYMBOLS (STENCIL PLUS 4" WHITE LINES)	25,00	1000.00
34		MOBILIZATION / SETUP CHARGE /Discount	-34142.00	
		BID GRAND TOTAL AMOUNT (SPRING 2020)		64000.00

It is understood and agreed that all bid prices shall remain in effect for at least ninety (90) days from the date of bid opening to allow for the award of the bid.

## ATTACHMENT C - COST PROPOSAL (3 OF 3)

## ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM For "PAVEMENT MARKINGS 2019-20"

Pursuant to Michigan law and the Iran Economic Sanctions Act, 2012 PA 517 ("Act"), prior to the City accepting any bid or proposal, or entering into any contract for goods or services with any prospective Vendor, the Vendor must certify that it is not an "Iran Linked Business", as defined by the Act.

By completing this form, the Vendor certifies that it is not an "Iran Linked Business", as defined by the Act and is in full compliance with all provisions of the Act and is legally eligible to submit a bld for consideration by the City.

DANN HART	JULY 24, 2019
PREPARED BY	DATE
(Print Name)	
PRESIDENT	JULY 24, 2019
TITLE	DATE
APP -	
70 000	DDHART@HARTSTRIPING.COM
AUTHORIZED SIGNATURE	E-MAIL ADDRESS
HART PAVEMENT STRIPING CORPORATION	ON
COMPANY	
3330 WARREN DRIVE, WATERFORD, MI 483	29 (248) 673-3503
ADDRESS	PHONE
HART PAVEMENT STRIPING CORPORATION	N (248) 673-3503
NAME OF PARENT COMPANY	PHONE
3330 WARREN DRIVE, WATERFORD, MI 483	329
ADDRESS	
38-2806542	
TAXPAYER I.D.#	

## ATTACHMENT A - AGREEMENT

#### For PAVEMENT MARKINGS 2019-20

#### WITNESSETH:

**WHEREAS**, the City is desirous of selecting a vendor for the purchase of **PAVEMENT MARKINGS 2019-20** and in connection therewith has prepared an Invitation to Bid ("ITB"), which includes certain instructions to bidders, specifications, terms and conditions.

**WHEREAS**, the Contractor has professional qualifications that meet the project requirements and has made a bid in accordance with such request for cost proposals to provide **PAVEMENT MARKINGS 2019-20**,

**NOW, THEREFORE,** for and in consideration of the respective agreements and undertakings herein contained, the parties agree as follows:

- 1. It is mutually agreed by and between the parties that the documents consisting of the Request for Proposal to provide **PAVEMENT MARKINGS 2019-20** and the Contractor's cost proposal dated <u>August 1</u>, 2019 shall be incorporated herein by reference and shall become a part of this Agreement, and shall be binding upon both parties hereto. If any of the documents are in conflict with one another, this Agreement shall take precedence, then the ITB.
- 2. The City shall pay the Contractor for the performance of this Agreement in a sum not to exceed the amount proposed for the purchase of a **PAVEMENT MARKINGS 2019-20** per the Contractor's <u>August 1</u>, 2019 cost proposal.
- 3. This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Invitation to Bid.
- 4. The Contractor shall employ personnel of good moral character and fitness in performing all services under this Agreement.
- 5. The Contractor and the City agree that the Contractor is acting as an independent Contractor with respect to the Contractor 's role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Contractor nor its employees shall be construed as employees of the City. Nothing contained in this Agreement shall be construed to imply a joint venture or partnership and neither party, by

virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither the City nor the Contractor shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The Contractor shall not be entitled or eligible to participate in any benefits or privileges given or extended by the City, or be deemed an employee of the City for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation or any other employer contributions on behalf of the City.

- 6. The Contractor acknowledges that in performing services pursuant to this Agreement, certain confidential and/or proprietary information (including, but not limited to, internal organization, methodology, personnel and financial information, etc.) may become involved. The Contractor recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the City. Therefore, the Contractor agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. The Contractor shall inform its employees of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. The Contractor further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.
- 7. This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. The Contractor agrees to perform all services provided for in this Agreement in accordance with and in full compliance with all local, state and federal laws and regulations.
- 8. If any provision of this Agreement is declared invalid, illegal or unenforceable, such provision shall be severed from this Agreement and all other provisions shall remain in full force and effect.
- 9. This Agreement shall be binding upon the successors and assigns of the parties hereto, but no such assignment shall be made by the Contractor without the prior written consent of the City. Any attempt at assignment without prior written consent shall be void and of no effect.
- 10. The Contractor agrees that neither it nor its subcontractors will discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. The Contractor shall inform the City of all claims or suits asserted against it by the Contractor's employees who work pursuant to this Agreement. The Contractor shall provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.

- 11. The Contractor shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required under this paragraph. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan. All coverages shall be with carriers acceptable to the City of Birmingham.
- 12. The Contractor shall maintain during the life of this Agreement the types of insurance coverage and minimum limits as set forth below:
  - A. <u>Workers' Compensation Insurance</u>: Contractor shall procure and maintain during the life of this Agreement, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
  - B. <u>Commercial General Liability Insurance</u>: Contractor shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than **\$1,000,000** per occurrence combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.
  - C. <u>Motor Vehicle Liability</u>: Contractor shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.
  - D. <u>Additional Insured</u>: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be *Additional Insureds*: The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.
  - E. <u>Professional Liability</u>: Professional liability insurance with limits of not less than \$1,000,000 per claim if Contractor will provide service that are customarily subject to this type of coverage.
  - F. <u>Cancellation Notice</u>: Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance (and Professional Liability Insurance, if applicable), as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal, shall be sent to: Finance Director, City of Birmingham, PO Box 3001, 151 Martin Street, Birmingham, MI 48012-3001.

ATTACHMENT 6 37

- G. <u>Proof of Insurance Coverage</u>: Contractor shall provide the City of Birmingham at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.
  - 1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
  - 2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance:
  - 3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
  - 4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance;
  - 5) If so requested, Certified Copies of all policies mentioned above will be furnished.
- H. <u>Coverage Expiration</u>: If any of the above coverages expire during the term of this Agreement, Contractor shall deliver renewal certificates and/or policies to the City of Birmingham at least (10) days prior to the expiration date.
- I. <u>Maintaining Insurance</u>: Upon failure of the Contractor to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.
- 13. To the fullest extent permitted by law, the Contractor and any entity or person for whom the Contractor is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Birmingham against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from and the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham.
- 14. If, after the effective date of this Agreement, any official of the City, or spouse, child, parent or in-law of such official or employee shall become directly or indirectly interested in this Agreement or the affairs of the Contractor, the City shall have the right to terminate this Agreement without further liability to the Contractor if the disqualification has not been removed within thirty (30) days after the City has given the Contractor notice of the disqualifying interest. Ownership of less than one percent (1%) of the stock or other equity interest in a corporation or partnership shall not be a disqualifying interest. Employment shall be a disqualifying interest.

ATTACHMENT 6 38

- 15. If Contractor fails to perform its obligations hereunder, the City may take any and all remedial actions provided by the general specifications or otherwise permitted by law.
- 16. All notices required to be sent pursuant to this Agreement shall be mailed to the following addresses:

City of Birmingham Attn: Cherilynn Mynsberge 151 Martin Street Birmingham, MI 48009 (248) 530-1802 CONTRACTOR
PK Contracting, Inc.
1965 Barrett Drive
Troy, MI 48084

- 17. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds \$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL§600.5001 et. seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Agreement. The laws of the State of Michigan shall govern this Agreement, and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48th District Court.
- 18. <u>FAIR PROCUREMENT OPPORTUNITY:</u> Procurement for the City of Birmingham will be handled in a manner providing fair opportunity for all businesses. This will be accomplished without abrogation or sacrifice of quality and as determined to be in the best interest of the City of Birmingham.

# IN WITNESS WHEREOF, the said parties have caused this Agreement to be executed as of the date and year above written.

executed as of the date and year above	written.
WITNESSES:	PK CONTRACTING, INC.
Metor D'Iller	By: toucles Letu
	Sandra J. Bitner, Agent
	CITY OF BIRMINGHAM
	Ву:
	Patricia Bordman, Mayor
	Ву:
Approved:  Mark H. Clemence, Chief of Police (Approved as to substance)	J. Cherilynn Mynsberge, City Clerk
Timothy I. Currier, City Attorney (Approved as to form)	

(Approved as to financial obligation)

Joseph A. Valentine, City Manager (Approved as to substance)

## ATTACHMENT B - BIDDER'S AGREEMENT

### For PAVEMENT MARKINGS 2019-20

In submitting this proposal, as herein described, the Contractor agrees that:

- 1. They have carefully examined the specifications, terms and Agreement of the Invitation to Bid and all other provisions of this document and understand the meaning, intent, and requirement of it.
- 2. They will enter into a written contract and furnish the item or items in the time specified in conformance with the specifications and conditions contained therein for the price quoted by the proponent on this proposal.

NICHOLAS C. SHEA	8.1.19
PREPARED BY	DATE
(Print Name)	
CHIEF ESTIMATOR	8.1.19
TITLE	DATE
Necholes C- Shem	Nick @ D. Contracting. com E-MAIL ADDRESS
AUTHORIZED SIGNATURE	E-MAIL ADDRESS
P.K. CONTRACTING. 1.	
COMPANY	
1945 BARRETT DR	TROY MI 48084 Z48 362 2130
ADDRESS	PHONE
NAME OF PARENT COMPANY	PHONE
ADDDECC	

# ATTACHMENT C – COST PROPOSAL (1 OF 3) FALL 2019 HANDWORK

For "PAVEMENT MARKINGS 2019-20"

## NOTE: QUANTITIES ARE APPROXIMATE BIDDER TO COMPLETE ALL BLANKS IN THIS DOCUMENT

ITEM	EST	DESCRIPTION OF WORK	UNIT	ПЕМ
	QTY		PRICE	TOTAL
1	11,500	6" CROSS	\$ 1.00	\$ 11,500.00
2	12,000	12" CROSS	\$ 2.05	\$ 24,400.00
3	3,200	24" CROSS	\$ 4.10	\$ 13,120.00
4	13,000	YELLOW CURB	\$ 4.10	\$ 53,306.00
5	6	SCHOOL LEGENDS	\$ 75.00	\$ 450.00
6	55	ONLY LEGENDS	\$ 50.00	\$ 2,750.00
7	0	25 MPH LEGENDS	\$ 50.00	\$ 0.00
8	71	LEFT TURN ARROWS	\$ 45.00	\$ 3,195.00
9	14	RIGHT TURN ARROWS	\$ 45.00	\$ 630.00
10	11	THRU ARROWS	\$ 40.00	\$ 440.00
11	19	COMBO ARROWS	\$ 70.00	\$ 1,330.00
12	0	BLUE CURB	\$ 1.15	\$ 0.00
13	7	HANDICAP SYMBOLS	\$ 20.00	\$ 140.00
14	2,200	6" BLUE	\$ 1.00	\$ 2,200.00
15	20,000	6" PARKING	\$ 1.00	\$ 20,000.00
16	600	6" WHITE HATCH – CROSSWALKS	\$ 1.00	\$ 000.00
17	500	12" WHITE HATCH – CROSSWALKS	\$ 2.05	\$ 1,025.00
18	2,900	16" WHITE HATCH – CROSSWALKS	\$ 3.00	\$ 8,700.00
19	100	18" WHITE HATCH – CROSSWALKS	\$ 4.00	\$ 400.00
20	20	12" STOP	\$ 2.05	\$ 41.00
21	400	18" STOP	\$ 4.00	\$ LION @ NS
22	2,400	24" STOP	\$ 4.10	\$ 91600:00 \$9,840.
23	0	4" WHITE - PARKING LOTS	\$ 1.00	\$ 0.00
24	2,500	6" WHITE - PARKING LOTS	\$ 1.00	\$ 2,500.00
25	0	6" YELLOW - PARKING LOTS	\$ 1.00	\$ 0.00
26	500	YELLOW CURB - PARKING LOTS	\$ 4.10	\$ 2,050.00
27	2,600	4" BLUE - PARKING LOTS	\$ 1.05	\$ 2,730.00
28	500	6" BLUE – PARKING LOTS	\$ 2.05	\$ 1.025.00
29	100	HANDICAP SYMBOLS - PARKING LOTS and METER SPACES	\$ 20.00	\$ 2,000.00
30	0	YELLOW LINE - SEE ATTACHED LIST	\$ 3.00	\$ 0.00
31	0	WHITE LINE – SEE ATTACHED LIST	\$ 3.00	\$ 0.00
32	10	SHARROWS (TRAVEL LANE SYMBOL FOR CYCLISTS)	\$ 100.00	\$ 1,000.00
33	40	MOPED SYMBOLS (STENCIL PLUS 4" WHITE LINES)	\$ 75.00	\$ 3,000.00
34		MOBILIZATION / SETUP CHARGE	\$ 5,000.00	\$ 5,000.00 NS
		BID GRAND TOTAL AMOUNT (FALL 2019)		\$174,9200 \$175,16

It is understood and agreed that all bid prices shall remain in effect for at least ninety (90) days from the date of bid opening to allow for the award of the bid.

# ATTACHMENT C – COST PROPOSAL (2 OF 3) SPRING 2020 HANDWORK

For "PAVEMENT MARKINGS 2019-20"

## NOTE: QUANTITIES ARE APPROXIMATE BIDDER TO COMPLETE ALL BLANKS IN THIS DOCUMENT

ITEM	EST	DESCRIPTION OF WORK	UNIT	ITEM
	QTY		PRICE	TOTAL
1	24,000	6" CROSS	\$1.00	F24,000000
2	19,400	12" CROSS	\$ 2.05	\$ 39,770.00
3	3,200	24" CROSS	\$ 4.10	\$ 13,120.00
4	28,200	YELLOW CURB	\$ 4.10	\$ 115,420.00
5	33	SCHOOL LEGENDS	\$ 75.00	\$ 2,475.00
6	76	ONLY LEGENDS	\$ 50.00	\$ 3,800.00
7	14	25 MPH LEGENDS	\$ 50.00	\$ 700.00
8	89	LEFT TURN ARROWS	\$ 45.00	\$ 4,005.00
9	22	RIGHT TURN ARROWS	\$ 45.00	\$ 990.00
10	15	THRU ARROWS	\$ 40.00	\$ 600.00
11	31	COMBO ARROWS	\$ 70.00	\$ 2,170.00
12	20	BLUE CURB	\$ 1.15	\$ 23.00
13	9	HANDICAP SYMBOLS	\$ 20.00	\$ 190.60
14	2,200	6" BLUE	\$ 1.00	\$ 7,700.00
15	33,400	6" PARKING	\$ 1.00	\$ 33,400.00
16	1,800	6" WHITE HATCH – CROSSWALKS	\$ 1.00	\$ 1,800.00
17	1,600	12" WHITE HATCH - CROSSWALKS	\$ 2.05	\$ 3,280.00
18	2,900	16" WHITE HATCH - CROSSWALKS	\$ 3.00	\$ 8,700.00
19	90	18" WHITE HATCH - CROSSWALKS	\$ 4.00	\$ 360.00
20	260	12" STOP	\$ 2.05	\$ 533.00
21	940	18" STOP	\$ 4.00	\$ 3,740.00
22	4,250	24" STOP	\$ 4.00	\$ 17,000.00
23	1,000	4" WHITE - PARKING LOTS	\$ 1.00	\$ 1,000.00
24	11,420	6" WHITE - PARKING LOTS	\$ 1.00	\$ 11,420.00
25	2,130	6" YELLOW PARKING LOTS	\$ 1.00	\$ 2,130.00
26	1,100	YELLOW CURB - PARKING LOTS	\$ 4.10	\$ 4,510.00
27	2,450	4" BLUE - PARKING LOTS	\$ 1.05	\$ 2,572.50
28	900	6" BLUE - PARKING LOTS	\$ 2.05	\$ 1,845,00
29	110	HANDICAP SYMBOLS – PARKING LOTS AND METER SPACES	\$ 20.00	\$ 2,200.00
30	117,000	YELLOW LINE - SEE ATTACHED LIST	\$ .00	\$ 7,020.00
31	50,100	WHITE LINE - SEE ATTACHED LIST	\$ .06	\$ 3,000,00
32	90	SHARROWS (TRAVEL LANE SYMBOL FOR CYCLISTS)	\$ 100.00	\$ 9,000.00
33	40	MOPED SYMBOLS (STENCIL PLUS 4" WHITE LINES)	9 15.00	\$ 3,000.00
34		MOBILIZATION / SETUP CHARGE	\$ 5,000,00	\$ 5,000.00
		BID GRAND TOTAL AMOUNT (SPRING 2020)		\$331,184.50

It is understood and agreed that all bid prices shall remain in effect for at least ninety (90) days from the date of bid opening to allow for the award of the bid.

## ATTACHMENT C - COST PROPOSAL (3 OF 3)

## SPRING 2020 YELLOW AND WHITE LONG LINES / CENTER LINES For "PAVEMENT MARKINGS 2019-20"

## NOTE: QUANTITIES ARE APPROXIMATE BIDDER TO COMPLETE ALL BLANKS IN THIS DOCUMENT

### STREETS TO BE PAINTED IN ACCORDANCE WITH MMUTCD:

Adams Road/Woodward to Big Beaver

Bates/Willits to Lincoln, and dead end of Bates

Bowers/Adams to Woodward

Bowers/East of Adams for approximately one block

Brown Street/Southfield to Hunter

Chester/Brown to Willits

Chesterfield for approximately 135' south of Quarton and also for approximately 200' North of

Maple

Coolidge southbound between Derby and Maple

Derby/East of Adams for approximately one block

Elm Street/Haynes to Bowers

Elm Street/south of Maple for approximately 40'

Eton/Derby to Eton one block north of 14 Mile (Include in bid amount – do not paint without approval)

14 Mile Road/Cummings to east city limits (north lane lines only)

Hamilton/Woodward to Hunter

Lincoln/Arlington to Eton and Cranbrook to Hillside

Maple/Cranbrook to Coolidge (Edenborough to Coolidge, north lane lines only)

Merrill/Southfield to Woodward

Oak Street/Hunter Boulevard to Woodward/Lakeside to City limits

Oakland Boulevard/Hunter to Lawndale

Old Woodward/North crossover to Willits/Oakland

Old Woodward/South crossover to Brown

Park Street/Maple to Oakland

Pierce Street/Maple to Brown

Shirley/from a point 300' north of Lincoln to a point 600' north of Lincoln

Southfield/Maple to I4 Mile Road

Willits/Woodward to Chester

ITEM	EST QTY	DESCRIPTION OF WORK	UNIT PRICE	ITEM TOTAL
1	117,000	YELLOW LINE - SEE ATTACHED LIST	\$.06	\$7.020.00
2	50,100	WHITE LINE - SEE ATTACHED LIST	\$ .00	\$ 3,006.00
3		MOBILIZATION / SETUP CHARGE	\$1.00	\$ 1.00
		BID GRAND TOTAL AMOUNT (SPRING 2020)		\$10,027.00

It is understood and agreed that all bid prices shall remain in effect for at least ninety (90) days from the date of bid opening to allow for the award of the bid.

## ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM For "PAVEMENT MARKINGS 2019-20"

Pursuant to Michigan law and the Iran Economic Sanctions Act, 2012 PA 517 ("Act"), prior to the City accepting any bid or proposal, or entering into any contract for goods or services with any prospective Vendor, the Vendor must certify that it is not an "Iran Linked Business", as defined by the Act.

By completing this form, the Vendor certifies that it is not an "Iran Linked Business", as defined by the Act and is in full compliance with all provisions of the Act and is legally eligible to submit a bid for consideration by the City.

NICHOLAS C. SHEA	8.1.19
PREPARED BY	DATE
(Print Name)	
CHIEF ESTIMATOR	8.1.19
TITLE	DATE
AUTHORIZED SIGNATURE	Mick@ pk contracting com E-MAIL ADDRESS
AUTHORIZED SIGNATURE	E-MAIL'ADDRESS
P.K. CENTLECTING, INC	
COMPANY	
1945 BARRETT DR TROY.	MI 48084 248 362 2130
ADDRESS	PHONE
NAME OF PARENT COMPANY	PHONE
ADDRECC	
ADDRESS	
20	
30 -2313864	
TAXPAYER I.D.#	



## **MEMORANDUM**

City Clerk's Office

DATE: **July 13, 2021** 

TO: Tom Markus, City Manager

FROM: Alexandria Bingham, City Clerk

SUBJECT: 2022 City Commission Meeting Schedule

Attached is the proposed 2022 City Commission meeting schedule.

The City Charter requires the Commission to meet regularly and "not less than twice a month". Typically the Commission meets on the second and fourth Mondays of each month except when a legal holiday coincides with those days.

Legal holidays were designated by resolution of the Commission on August 26, 2013 pursuant to Section 2-26 of the Birmingham City Code. Section 2-26 gives the Commission latitude to reschedule regular meetings which would otherwise fall on a legal holiday. The proposed meeting schedule avoids the five legal holidays which fall on a Monday in 2022.

Once approved, the 2022 meeting schedule will be published in the City calendar, on the City webpage, and posted at the Municipal Building.

### SUGGESTED RESOLUTION:

To approve the Birmingham City Commission 2022 Meeting Schedule as submitted.

MONTH	DAY	MEETING	LOCATION
January	10	Regular Meeting	Municipal Building
	22 (Sat)	Long Range Planning	8:30 AM Municipal Building
	24	Regular Meeting	Municipal Building
February	14	Regular Meeting	Municipal Building
	28	Regular Meeting	Municipal Building
March	14	Regular Meeting	Municipal Building
	28	Regular Meeting	Municipal Building
April	11	Regular Meeting	Municipal Building
	25	Regular Meeting	Municipal Building
May	7 (Sat)	Budget Hearing	8:30 AM Municipal Building
	9	Regular Meeting	Municipal Building
	23	Regular Meeting	Municipal Building
June	13	Regular Meeting	Municipal Building
	20	Joint Commission/Planning Bd.	DPS Facility
	27	Regular Meeting	Municipal Building
July	11	Regular Meeting	Municipal Building
	25	Regular Meeting	Municipal Building

August 15		Regular Meeting	Municipal Building
J	29	Regular Meeting	Municipal Building
September	12	Regular Meeting	Municipal Building
	19	Regular Meeting	Municipal Building
October	3	Regular Meeting	Municipal Building
	10	Joint Commission/Planning Bd.	DPS Facility
	24	Regular Meeting	Municipal Building
November	14	Regular Meeting	Municipal Building
	28	Regular Meeting	Municipal Building
December	5	Regular Meeting	Municipal Building
	19	Regular Meeting	Municipal Building

NOTE: City Commission meetings will be held at 7:30 PM in room 205 of the Municpal Building 151 Martin. City Commission/Planning Board workshops will be held at 7:30 PM at the DPS Facility 851 S. Eton.

This Calendar is blank, editable and large. Courtesy of **WinCalendar.com** 

■ December	January 2022 Febru							
Sun	Mon	Tue	Wed	Thu	Fri	Sat		
						1 New Year's Day		
2	3 City Offices Closed	4	5	6	7	8		
9	10 7:30 PM Regular City Commission Meeting	11	12	13	14	15		
16	17 Martin Luther King Jr.	18	19	20 Inauguration Day	21	22 8:30 AM City Commission Long Range Planning Meeting		
23	24 7:30 PM Regular City Commission Meeting	25	26	27	28	29		
30	31			•				

<b>■</b> January		F	ebruary 20	)22		March ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2 Groundhog Day	3	4	5
<b>6</b> Super Bowl	7	8	9	10	11	12
13	14 Valentine's Day 7:30 PM Regular City Commission Meeting	15	16	17	18	19
20	21 Presidents Day	22	23	24	25	26
27	28 7:30 PM Regular City Commission Meeting					

▼ February March 2022 April ►									
Sun	Mon	Tue	Wed	Thu	Fri	Sat			
		1	2 Ash Wednesday	3	4	5			
6	7	8 Int'l. Women's Day	9	10	11	12			
13 Daylight Saving Begins	14 7:30 PM Regular City Commission Meeting	15	16	17 Saint Patrick's Day	18	19			
20 Start of Spring (Spring Equinox)	21	22	23	24	25	26			
27	287:30 PM Regular City Commission Meeting	29	30	31					

■ March			April 2022	2		May ►
Sun	Mon	Tue	Wed	Thu	Fri 1	Sat 2
3	4	5	6	7	8	9
10	11 7:30 PM Regular City Commission Meeting	12	13	14 Holy Thursday	15 Good Friday Passover Begins at Sunset City Offices Closed	16
17 Easter	18 Tax Day (Taxes Due)	19	20	21	<b>22</b> Earth Day	23 Passover Ends at Nightfall
24	25 7:30 PM Regular City Commission Meeting	26	<b>27</b> Administrative Professionals	28	29 Arbor Day	30

■ April			May 202	June ▶		
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	<b>2</b> Eid al-Fitr Begins at Sunset		4	<b>5</b> Cinco De Mayo		<b>7</b> 8:30 AM City Commission Budget Hearing
8 Mother's Day	9 7:30 PM Regular City Commission Meeting	10	11	12	13	14
15	16	17	18	19	20	21 Armed Forces Day
22	23 7:30 PM Regular City Commission Meeting	24	25	26	27	28
29	30 Memorial Day City Offices Closed	31				

■ May	<b>June 2022</b> July ▶								
Sun	Mon	Tue	Wed	Thu	Fri	Sat			
			1	2	3	4 Shavout Begins at Sunset			
5	6 Shavout Ends at Nightfall	7	8	9	10	11			
12	13 7:30 PM Regular City Commission Meeting	<b>14</b> Flag Day	15	16	17	18			
19 Father's Day	20 7:30 PM Joint City Commission/ Planning Board Meeting	(Summer Solstice)	22	23	24	25			
26	27 7:30 PM Regular City Commission Meeting	28	29	30					

<b>■</b> June								
Sun	Mon	Tue	Wed	Thu	Fri 1	Sat 2		
3	4 Independence. Day City Offices Closed	5	6	7	8	9 Eid al-Adha Begins at Sunset		
10 Eid al_Adha Ends at Sunset	11 7:30 PM Regular City Commission Meeting	12	13	14	15	16		
17	18	19	20	21	22	23		
24	25 7:30 PM Regular City Commission Meeting	26	27	28	29	30		
31								

<b>■</b> July		A	ugust 202	22		September ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
<b>7</b> Ashura Begins at Sunset	8 Ashura Ends at Sunset	9	10	11	12	13
14	15 7:30 PM Regular City Commission Meeting	16	17	18	19	20
21	22	23	24	25	26	27
28	29 7:30 PM Regular City Commission Meeting	30	31			

■ August		Se	ptember 2	2022		October ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	<b>5 Labor Day</b> City Offices Closed	6	7	8	9	10
<b>11</b> Patriot Day	12 7:30 PM Regular City Commission Meeting	13	14	15	16	17
18	19 7:30 PM Regular City Commission Meeting	20	21	22 Start of Fall (Autumnal Equinox)	23	24
<b>25</b> Rosh Hashanah Begins at Sunset	26	27 Rosh Hashanah Ends at Nightfall	28	29	30	

September		0	22	November ►		
Sun	Mon	Tue	Wed	Thu	Fri	Sat 1
2	3 7:30 PM Regular City Commission Meeting	4 Yom Kippur Begins at Sunset	<b>5</b> Yom Kippur Ends at Nightfall	6	7	8
9 Sukkot Begins at Sunset	10 Columbus Day 7:30 PM Joint City Commission/Planning Board Meeting	11	12	13	14	15
16 Sukkot Ends at Nightfall Shemini Atzeret & Simchat Torah Begins at Sunset	17	18 Shemini Atzeret & Simchat Torah Ends at Nightfall	19	20	21	22
23	<b>24</b> 7:30 PM Regular City Commission Meeting	25	26	27	28	29
30	31 Halloween					

✓ October		No	vember 2	022		December ►
Sun	Mon	Tue 1	Wed 2	Thu 3	Fri 4	Sat 5
			2	3		5
6 Daylight Saving Time Ends	7	<b>8</b> Election Day	9	10	11 Veterans Day	12
13	14 7:30 PM Regular City Commission Meeting	15	16	17	18	19
20	21	22	23	24 Thanksgiving Day City Offices Closed	<b>25</b> City Offices Closed	26
27	28 7:30 PM Regular City Commission Meeting	29	30			

November December 2022 January ▶						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	<b>5</b> 7:30 PM Regular City Commission Meeting	6	7	8	9	10
11	12	13	14	15	16	17
18 Hanukkah Begins at Sunset	City Commission Meeting	20	<b>21</b> Start of Winter (Winter Solstice)	<b>22</b> Hanukkah Ends at Nightfall	23	24 Christmas Eve
25 Christmas	26 Kwanzaa Begins City Offices Closed	27	28	29	30	31 New Year's Eve



## <u>MEMORANDUM</u>

Clerk's Office

DATE: July 12, 2021

TO: Tom Markus, City Manager

FROM: Alexandria Bingham, City Clerk

SUBJECT: Veterans Day Wreath Laying Ceremony

#### INTRODUCTION:

Piety Hill Chapter, NSDAR has submitted a Special Event application to hold the Veterans Day Wreath Laying Ceremony in Shain Park November 11, 2021. Set-up for the event is scheduled for November 11 from 9:00 am to 10:30 am. The event begins at 10:30 am and concludes at 12:00 pm. Tear down is scheduled for 12:00-2:00 pm.

### BACKGROUND:

Prior to application submission the Police Department reviewed the proposed event details for street closures and the need for safety personnel and approved the details. DPS, Planning, Building, Police, Fire, and Engineering have indicated their approval. SP+ Parking has been notified of the event for planning purposes.

There are no known events in Shain Park in November with the exception of the arrival of Santa on Saturday, Nov. 27.

### LEGAL REVIEW:

n/a

### FISCAL IMPACT:

n/a

#### SUMMARY

The City Commission is being asked to approve the Veterans Day Wreath Laying Ceremony to be held November 11, 2021, from 10:30 am – 12:00 pm, with set-up from 9:00 am to 10:30 am. Tear-down will begin at the conclusion of the event and is scheduled to end at 2:00 pm.

### ATTACHMENTS:

1. Special Event application – please note that the application's first page incorrectly states a 5:00 pm end to the tear-down period. The applicant extended tear-down time to give DPS more time to complete the work if needed. The public notification letter indicated a 2:00 pm end to the tear-down period.

- 2. Notification letter with map of event area distributed to residents/businesses within 300 feet of the event area on July 9, 2021. Notification addresses are on file in the Clerk's Office
- 3. Hold Harmless Agreement and Certificate of Insurance (city event)
- 4. Department Approval page with comments and estimated costs

### SUGGESTED RESOLUTION:

To approve a special event permit as requested by Piety Hill Chapter, NSDAR to hold the Veterans Day Wreath Laying Ceremony in Shain Park November 11, 2021, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff leading up to or at the time of the event due to public health and safety measures.

# CITY OF BIRMINGHAM APPLICATION FOR SPECIAL EVENT PERMIT PARKS AND PUBLIC SPACES

IMPORTANT: EVENTS UTLIZING CITY SIDEWALKS AND/OR STREETS MUST MEET WITH POLICE DEPARTMENT SPECIAL EVENT OFFICER TO REVIEW PROPOSED EVENT DETAILS PRIOR TO SUBMITTING APPLICATION.

Police De	partment ac	knowledgement: _	· ~,	#.	_و	
• Inc	anges in thi	AILS  pplications will not is information must eks prior to the eve	be submitt		Clerk, in wi	riting, at
FEES:		IME EVENT: L APPLICATION FE	\$200 E: \$165			
(Please pri	nt clearly or ty	pe)	2201			
Date of Ap	oplication	July of	<i>apa</i> (		_	
Name of E	Event <b>Ve</b> Ł	erans Day 2	bal An	rual Wrea	th-Layin	a Grenony Shain?
		of Event (attach addition				
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• •		wark, Flag rai	•	(1)		
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		ark south	0 •	7		
		wember 11, 20		_		
		wember 11,202			Harry 10.	50 1(11)
	•	begin before 7:00 A			12 1100"	504
Date(s) of	r rear-down	November 11, 20	nours	of Tear-down _	1 × NOOK	Spine
Organizat	ion Sponsori	ing Event <u>Re لي ا</u>	Hill Char	ter NSDAF	2, Birmi	glan, MI
Organizat	ion Address_	1392 Cedar	Drive	Birming	vary, M	T.
Organizat	ion Phone _	248-505-	530b	0 1		
Coi	ntact Debo	ran Harry to,	, lot lice	Kegent		Person
Coi	ntact	Kiney Million	other in			Phone 246-505-5
Со	ntact Email .	deborah. h	uringto	on @ gma	il. con	

II. $_{\varepsilon}$	<u>EVENTINFORMATION</u>
1.	Organization Type Non-Profit 5013C Volunteer Service Org. (city, non-profit, community group, etc.)
2.	Additional Sponsors or Participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event.)  None — o Wei Chan City of Birmiyhan officials
3.	List beneficiary  List expected income  Attach information about the beneficiary.
4. Cho	First time event in Birmingham? YES NO VI  If no, describe This blove at has been he Wannually by the liety Hill  Alexander Total of Birmingham to horor Veterans for at least past 10 years
5.	Total number of people expected to attend per day 75 Aprox
6.	The event will be held on the following City property: (Please list)  Street(s)
	Sidewalk(s)
	Park(s) Shain Park South of Fountain to the Flaggole + Wormens wat. Inclement weatherlow is the Randshe
7.	Will street closures be required? YES NO (Police Department acknowledgement prior to submission of application is required) (initial here)
8.	What parking arrangements will be necessary to accommodate attendance? Carpooling by Prety Will new 15. Self pork in make red Parking for Parking garages (Nootlonal Holiday)

<ul> <li>Prior to the event.</li> <li>You must obtain approval from the Oakland County Health Department for a</li> </ul>		9.	Will staff be provided to assist with safety, security and maintenance?  YES NO NO
10. Will the event require safety personnel (police, fire, paramedics)? YES \  NO \			If yes, please provide number of staff to be provided and any specialized training
10. Will the event require safety personnel (police, fire, paramedics)? YES \  NO \( \) (Police Department acknowledgement prior to submission of application is required.) (initial here) \  Describe \  Characteristic packet in the Cereury ' \   11. Will alcoholic beverages be served? YES \  NO \( \) If yes, additional approval by the City Commission is required, as well as the Michigan Liquor Control Commission.  12. Will music be provided? YES \  NO \( \) Live \  Amplification \  Loudspeakers \   Recorded Time music will begin \  Time music will end \  Location of live band, DJ, loudspeakers, equipment must be shown on the layout map.  13. Will there be signage in the area of the event? YES \  NO \( \) Number of signs/banners \  Size of signs/banners \  Size of signs/banners \  Submit a photo/drawing of the sign(s). A sign permit is required.  14. Will food/beverages/merchandise be sold? YES \  NO \( \) Peddler/vendor permits must be submitted to the Clerk's Office, at least two week prior to the event.  14. You must obtain approval from the Oakland County Health Department for a food/beverage sales/donations. Contact ehclerk@oakgov.com or 248-535-9612 obtain Health Department approval.  15. There is a \$50.00 application fee for all vendors and peddlers, in addition to the \$10.0 daily fee, per location.			
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			The state of the s

### LIST OF VENDORS/PEDDLERS

(attach additional sheet if necessary)

VENDOR NAME	GOODS TO BE SOLD	WATER HOOK- UP REQUIRED?	ELECTRIC REQUIRED?
			2

Not Applicable.

Atth

7/2/2021

## III. I. EVENT LAYOUT

- Include a map showing the park set up, street closures, and location of each item listed in this section.
- Include a map and written description of run/walk route and the start/finish area
- 1. Will the event require the use of any of the following municipal equipment? (show location of each on map)

EQUIPMENT	QUANTITY	COST	NOTES
Picnic Tables	Ø	6 for \$500.00	A request for more than six tables will be evaluated based on availability.
Trash Receptacles	Existing in	\$10.00 each includes 1 bag For additional bags, the cost is \$32/per case.	Trash box placement and removal of trash is the responsibility of the event.  Additional cost could occur if DPS is to perform this work.
Dumpsters	Ø	\$350.00/per dumpster per day	Includes emptying the dumpster one time per day. The City may determine the need for additional dumpsters based on event requirements.
Utilities (electric)	_ # of vendors requiring utilities	Varies	Charges according to final requirements of event.
Water/Fire Hydrant	Ø	\$224.75/per hydrant Includes the use of 5,000 gallons of water. Any additional water usage will be billed.	Applicant must supply their own means of disposal for all sanitary waste water. Waste water is NOT allowed to be poured into the street or on the grass.
Meter Bags / Traffic Cones / Barricades	# to be determined by the Police Department.		

2. Will the following be constructed or located in the area of the event? (show location of each on map) NOTE: Stakes are not allowed.

YES NO

ТҮРЕ	QUANTITY	SIZE
Tents/Canopies/Awnings		
(A permit is required for tents over 120 square feet)		
Portable Toilets		
Rides		
Displays		
Vendors		
Temporary Structure (must attach a photo)		
Other (describe)		

#### SIGNATURE OF APPLICANT REQUIRED

EVENT NAME	Veteraus Day	2021 Annual	Wreath Laying Ceremon	Sainfark
EVENT DATE _	November 1	1,2021	1 0	•

The Birmingham City Commission shall have sole and complete discretion in deciding whether to issue a permit. Nothing contained in the City Code shall be construed to require the City Commission to issue a permit to an applicant and no applicant shall have any interest or right to receive a permit merely because the applicant has received a permit in the past.

As the authorized agent of the sponsoring organization, I hereby agree that this organization shall abide by all conditions and restrictions specific to this special event as determined by the City administration and will comply with all local, state and federal rules, regulations and laws.

Signature Proty HillChapter NSDAR Date

By providing your e-mail to the City, you agree to receive news and notifications from the City. If you do not wish to receive these messages, you may unsubscribe at any time.

## IV. SAMPLE LETTER TO NOTIFY ANY AFFEC TED PROPERTY/BUSINESS OWNERS

- Organizer must notify all potentially affected residential property and business owners of the date and time this application will be considered by the City Commission. (Sample letter attached to this application.)
- Attach a copy of the proposed letter to this application. The letter will be reviewed and approved by the Clerk's Office. The letter must be distributed at least two weeks prior to the Commission meeting.
- A copy of the letter and the distribution list must be submitted to the Clerk's Office at least two weeks prior to the Commission meeting.
- If street closures are necessary, a map must be included with the letter to the affected property/business owners.

The following language must be submitted **on the applicant's letterhead** and **signed** by an authorized representative of the organization.

#### **HOLD-HARMLESS AGREEMENT**

"To the fullest extent permitted by law, the (applicant/organization name) and any entity or person for whom the (applicant/organization name) is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Birmingham against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this activity/event. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of the City of Birmingham, its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham."

**Date** 

Applicant's signatur	e
Asignature hosbeen Waived in postypars as it is a joint event with the City of Birmighan	
AHA 7-2-201	



#### Piety Hill Chapter National Society Daughters of the American Revolution

PO Box 285 Birmingham, MI 48012-0285

#### SPECIAL EVENT REQUEST NOTIFICATION LETTER

DATE: July 9, 2021

TO: Residential Property or Business Owner

The Birmingham City Code requires that we receive approval from the Birmingham City Commission to hold the following special event. The code further requires that we notify any property owners or business owners that may be affected by the special event of the date and time that the City commission will consider our request so that an opportunity exists for comments prior to this approval.

#### **EVENT INFORMATION**

NAME OF EVENT: Veterans Day Wreath Laying

LOCATION: Shain Park west of fountain; inclement weather site at band shell south end of park

DATE(S) OF EVENT: November 11, 2021 HOURS OF EVENT: 10:30 am – 12:00 Noon

BRIEF DESCRIPTION OF EVENT/ACTIVITY: Veterans Day Ceremony with wreath laying at WWII and Civil War monuments, flag raising, bagpipes and bugle. Video by local Bloomfield Cable.

DATE(S) OF SET-UP: November 11, 2021 HOURS OF SET-UP: 9:00 – 10:30 am
DATE(S) OF TEAR-DOWN: November 11, 2021 HOURS OF TEAR-DOWN: 12:00 – 2:00 pm

DATE OF CITY COMMISSION MEETING: July 26, 2021

The City Commission meets in room 205 of the Municipal Building at 151 Martin at 7:30 pm. You may also attend virtually through ZOOM: https://zoom.us/j/655079760 Meeting ID: 655 079 760 A complete copy of the application to hold this special event is available for your review at the City Clerk's Office (248-530-1880). Log on to www.bhamgov.org/events for a complete list of special events.

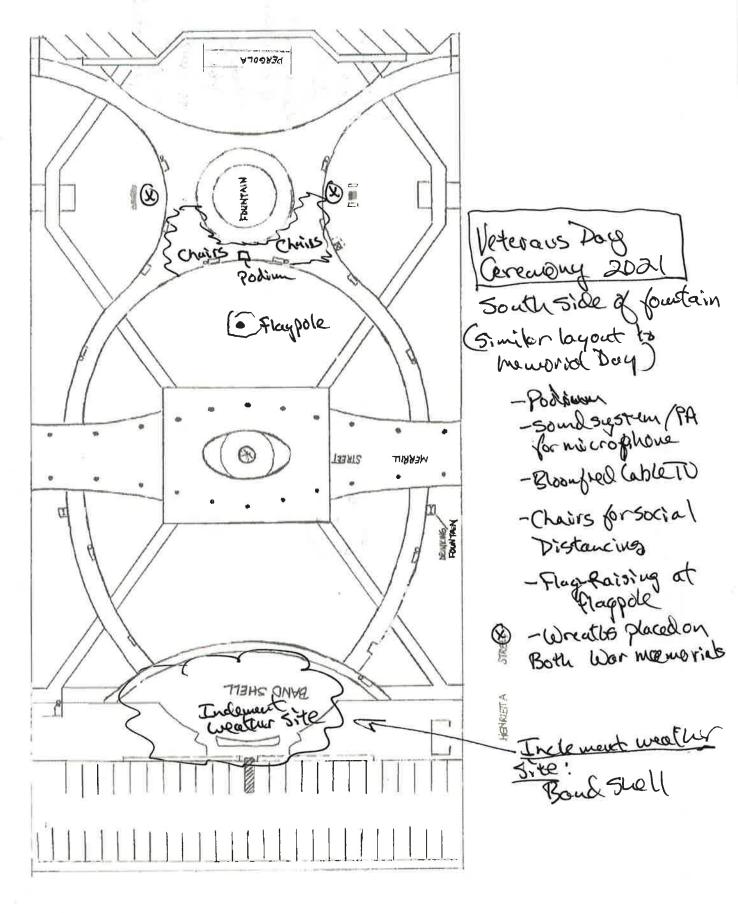
EVENT ORGANIZER: Piety Hill Chapter NSDAR, Birmingham, MI ADDRESS: P.O. Box 285, Birmingham, MI 48012-0285

PHONE: 248-505-5306

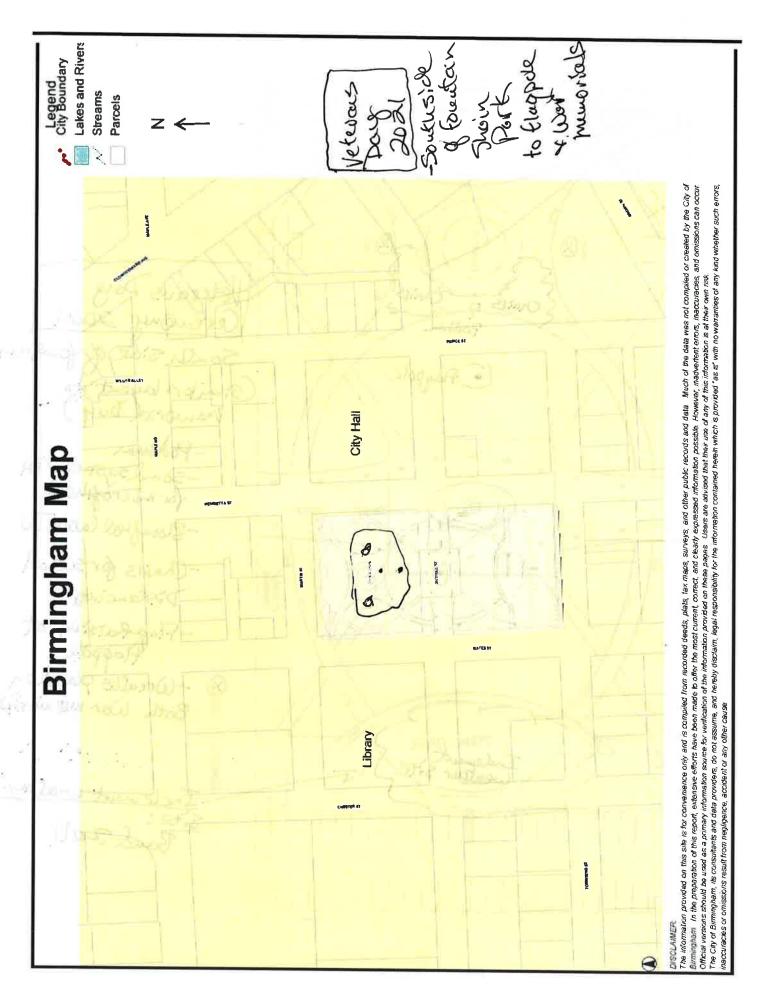
FOR QUESTIONS ON DAY OF EVENT, CONTACT: Debbie Harrington 248-505-5306

\_\_\_\_\_

A map showing street closures must be attached. NO STREETS WILL BE CLOSED



TOWNSEND STREET





Piety Hill Chapter Birmingham, Michigan 48012-0285 pietyhilldar.com Deborah Harrington First Vice Regent deborah.harrington@gmail.com (248) 505-5306

Veterans Day 2021

November 11, 2021 11 AM Wreath-Laying Ceremony

Piety Hill Chapter NSDAR and City of Birmingham

Shain Park (South of fountain)

**COVID-19 Health and Safety Plan** 

### PLAN A Under current COVID restrictions as of June 23, 2021:

- Event will be held outside, with social distancing (6-10 feet apart)
- Chairs will be spaced for social distancing around the fountain if necessary
- Clorox wipes will be available at the podium
- Hand Sanitizer will be at the podium
- Bagpipers will stand 10-12 feet to one side
- Bugler will play taps, near flagpole approx. 50 feet away
- Singer will sing from podium / microphone at a distance from audience
- Color Guard will present flag near flagpole.

PLAN B: Same COVID-19 Plan for Inclement weather alternate site:

Band Shell south end of Shain Park

PLAN C: If COVID-19 Restrictions resume again due to spike, then face masks may be required.

PLAN D: IF Virtual only, will have the event recorded, using social distancing precautions.

Regards,

Deborah Harrington

#### **DEPARTMENT APPROVALS**

**EVENT NAME: VETERANS DAY WREATH LAYING** 

LICENSE NUMBER # 21-00011632

**COMMISSION HEARING DATE: July 26, 2021** 

NOTE TO STAFF: Please submit approval by July 9, 2021

DATE OF EVENT: Nov. 11, 2021

DEPARTMENT	APPROVED	COMMENTS	PERMITS REQUIRED (Must be obtained directly from individual departments)	COSTS (Must be paid two weeks prior to the event. License will not be issued if unpaid.)	ACTUAL COSTS (Event will be invoiced by the Clerk's office after the event)
PLANNING 101-000.000-634.0005 248.530.1855	TBC	No Cost No Comment			
BUILDING 101-000.000.634.0005 248.530.1850	MJM	No Building Department involvement	Tents over 400 SQ/ft	\$0	
FIRE 101-000.000-634.0004 248.530.1900	JDP	No Fire Department involvement  Follow all current public health orders by MDHHS for day of event.  Do not block roads with vehicles or crowds.		\$0	
POLICE 101-000.000.634.0003 248.530.1870	МНС	Will provide a Police Officer for Wreath Laying		\$0	
PUBLIC SERVICES 101-000.000-634.0002 248.530.1642	Carrie Laird	City Event. Audio Equipment, Podium, 30 Chairs. All flags placed around site. Large flag pole available to post colors with flags. and flags will be provided.		\$0	
ENGINEERING 101-000.000.634.0002 248.530.1839	SDZ	No items required	none	0	0

SP+ PARKING	МНС	No Parking Involvement		&0	
INSURANCE 248.530.1807	АТ	City cosponsors event – no hold harmless or COI required	None	\$0	\$0
CLERK 101-000.000-614.0000 248.530.1803	АТ	Notification letters mailed 7/9/21. Notification addresses on file in the Clerk's Office. Evidence of required insurance must be on file with the Clerk's Office no later than N/A (city cosponsors event)	Applications for vendors license must be submitted no later than 10/28/21.	0	
				TOTAL DEPOSIT REQUIRED \$0	ACTUAL COST

FOR CLERK'S OFFICE USE		
Deposit paid		
Actual Cost		
Due/Refund		

Rev. 7/22/21

h:\shared\special events\- general information\approval page.doc



## **MEMORANDUM**

**Engineering Dept.** 

**DATE:** July 20, 2021

TO: Tom Markus, City Manager

FROM: Jim Surhigh, Consultant City Engineer

Scott Zielinski, Assistant City Engineer

SUBJECT: Townsend and Peabody Street Paving Project #6-21(P)

Water & Sewer Lateral Special Assessment District Hearing of

Necessity

#### INTRODUCTION:

At the Commission meeting of June 28, 2021, the City Commission set a date of July 26, 2021 to hold a public hearing of necessity for the replacement of water and sewer laterals located within the limits of the Townsend and Peabody Street Paving Project areas. Also at that meeting, a Public Hearing on Confirmation of the Roll, August 9, 2021 was set, should the assessment district be authorized.

#### **BACKGROUND:**

All owners in the district have been sent the attached letter and public hearing notice. To date, our office has received a small number of calls asking for clarifications about the upcoming project. We are not aware of any objections at this time.

#### LEGAL REVIEW:

The suggested special assessment district is consistent with the City Charter, and past precedence. No legal review is required.

#### FISCAL IMPACT:

The costs being charged will cover the City's costs payable to the contractor relative to the pipe installation. As has been done traditionally, the City is subsidizing this program to a small degree in that inspection and restoration costs are covered by the City as a part of the overall cost of the project.

#### SUMMARY:

It is recommended that the City Commission conduct the public hearing, and authorize the special assessment district to defray the cost of the installation of new water and sewer laterals within the project area of the Townsend and Peabody Street Paving Project #6-21(P).

#### ATTACHMENTS:

- Notice of Necessity Public Hearing from the City Clerk
- Memo of June 24, 2021, recommending the setting of a public hearings.
- Letter Dated July 15, 2021 to residents of the SAD area.
- Maps of proposed assessment district.
- Proposed special assessment roll.

#### SUGGESTED RESOLUTION:

WHEREAS, The City Commission has established a policy requiring the replacement of undersized or lead water lateral lines and sewer laterals in excess of fifty years old when the City street is open for repairs or reconstruction; and

WHEREAS, The City Commission is of the opinion that replacement of water and sewer laterals not meeting current criteria as a part of the planned road paving project is declared a necessity; and

WHEREAS, Formal bids have not been received at this time, and the cost per foot for replacement of the water and sewer laterals has been estimated,

RESOLVED, That all sewer and water laterals not meeting current criteria located within the limits of the following streets shall be replaced as a part of the Townsend and Peabody Street Paving Project (Contract #6-21(P)):

Townsend St. – Southfield Road to Chester Ave. Peabody St. – E. Maple to E. Brown St.

RESOLVED, That at such time as the Assessor is directed to prepare the assessment roll, of which 100% of the contractor's charge to replace water and sewer lateral (Estimated at the rate of \$50.00 per foot for water laterals and \$100.00 per foot for 6" sewer laterals, \$125.00 for 8" sewer laterals \$150.00 per foot for 10" sewer laterals) shall be charged to the adjoining property owners benefiting from the said laterals,

RESOLVED,

That there be a special assessment district created and special assessments levied in accordance with benefits against the properties within such assessment district, said special assessment district shall be all properties, within the following district of 4 parcels:

Site Address: 600 W BROWN ST # 110,BIRMINGHAM,MI,48009

**Parcel Identification Number**: 1936135033

Owner Name: PIETY HILL PLACE

Site Address: 555 TOWNSEND ST # 101,BIRMINGHAM,MI,48009

Parcel Identification Number: 1936135025 Owner Name: SUSAN E RIETH TRUST

Site Address: 504 TOWNSEND ST, BIRMINGHAM, MI, 48009

**Parcel Identification Number**: 1936131017

Owner Name: ROSSO DEVELOPMENT

Site Address: 491 TOWNSEND ST, BIRMINGHAM, MI, 48009

**Parcel Identification Number**: 1936135009

Owner Name: SCOTT CURRIE

RESOLVED,

That the Commission shall meet on Monday, August 9, 2021, at 7:30 P.M., for the purpose of conducting a public hearing to confirm the roll for the replacement of water and sewer laterals within the Townsend and Peabody Street Paving Project.

#### **NOTICE OF PUBLIC HEARING**

#### **BIRMINGHAM CITY COMMISSION**

## PUBLIC HEARING OF NECESSITY FOR THE REPLACEMENT OF SEWER AND WATER SERVICES WITHIN THE TOWNSEND & PEABODY STREET PAVING PROJECT AREA

Meeting Date, Time, Location:	Monday, July 26, 2021, at 7:30 p.m.
	Municipal Building, 151 Martin
	Birmingham, MI
Location:	Within Townsend & Peabody Street Paving
	Project Area - specifically Townsend Street
	between Southfield Road to S. Chester Street,
	and Peabody Street between E. Brown Street
	to E. Maple Avenue.
Nature of Improvement:	Replacement of sewer and water services
	within the Townsend & Peabody Paving
	Project area
City Staff Contact:	Jim Surhigh, 248.530.1839
	cityengineer@bhamgov.org
Notice Requirments:	Mail to affected property owners
	Publish July 11, 2021
Approved minutes may be reviewed at:	City Clerk's Office

You or your agent may appear at the hearings to express your views in person or virtually through ZOOM: https//zoom.us/j/655079760 Meeting ID: 655 079 760. You may also mail a written statement to: City Clerk, 151 Martin Street, P.O. Box 3001, Birmingham, MI 48012, prior to the hearing. However, if you fail to protest in person or by letter received either on or before the date of the hearing, you cannot appeal the amount of the special assessment to the Michigan Tax Tribunal.

The property owner may file a written appeal of the special assessment with the State Tax Tribunal within 30 days after the confirmation of the special assessment roll if that special assessment was protested at the hearing held for the purpose of confirming the roll. All special assessments, including installment payments, shall, from the date of the confirmation thereof, constitute a lien on the respective lots or parcels assessed, and until paid shall be charged against the respective owners of the lots or parcels assessed.

Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk's Office at 248.530.1880 (voice) or 248.644.5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.



## **MEMORANDUM**

**Engineering Dept.** 

DATE: June 24, 2021

TO: Thomas M. Markus, City Manager

FROM: James J. Surhigh, Consulting City Engineer

SUBJECT: Townsend & Peabody Street Paving Project

**Sewer & Water Lateral Special Assessment District** 

The Engineering Dept. is planning a project for reconstructing the pavement, along with completing certain sewer and water main improvements, on Townsend Street between Southfield Road to S. Chester Street, and Peabody Street between E. Brown Street to E. Maple Avenue.

In accordance with current City policy established to protect the public investment being made when reconstructing roadways, as part of the project, we intend to replace all older sewer laterals located underneath the new proposed pavement, as well as all water services less than 1 inch diameter, which will be replaced with a new 1 inch diameter service. Additionally, in accordance with recently modified rules from the Michigan Dept. of Environmental, Great Lakes, and Energy (EGLE) requiring the complete removal of lead water services from the water main to the water meter on private property, any such water service will also be replaced as part of the project. Per EGLE, the City is not allowed to charge a homeowner for costs associated with replacement of an existing lead water service. The parcels that may be potentially subject to the Sewer & Water Lateral Special Assessment are highlighted on the attached maps.

The Townsend & Peabody Street Paving Project is still being designed, and a final list of parcels that would be subject to the special assessment have not been determined at this time. The specific list of parcels that would be subject to this special assessment will be provided as part of the report for the Public Hearing of Necessity being scheduled for a future date.

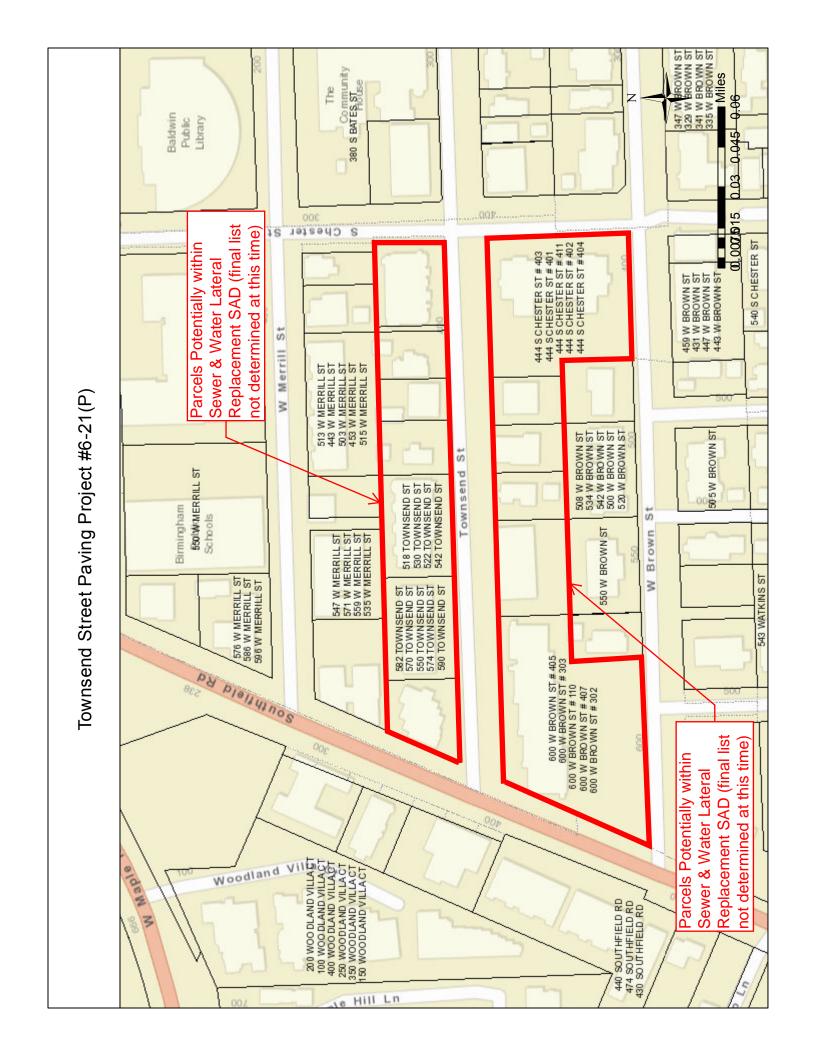
Total estimated costs that would be assessed to property owners for completion of the sewer and water service replacements generally average \$2,500 to \$3,500 for a 6 inch sewer service, and \$2,000 to \$3,000 for a 1 inch water service. A more precise estimate will accompany the report for the Public Hearing of Necessity being scheduled for a future date.

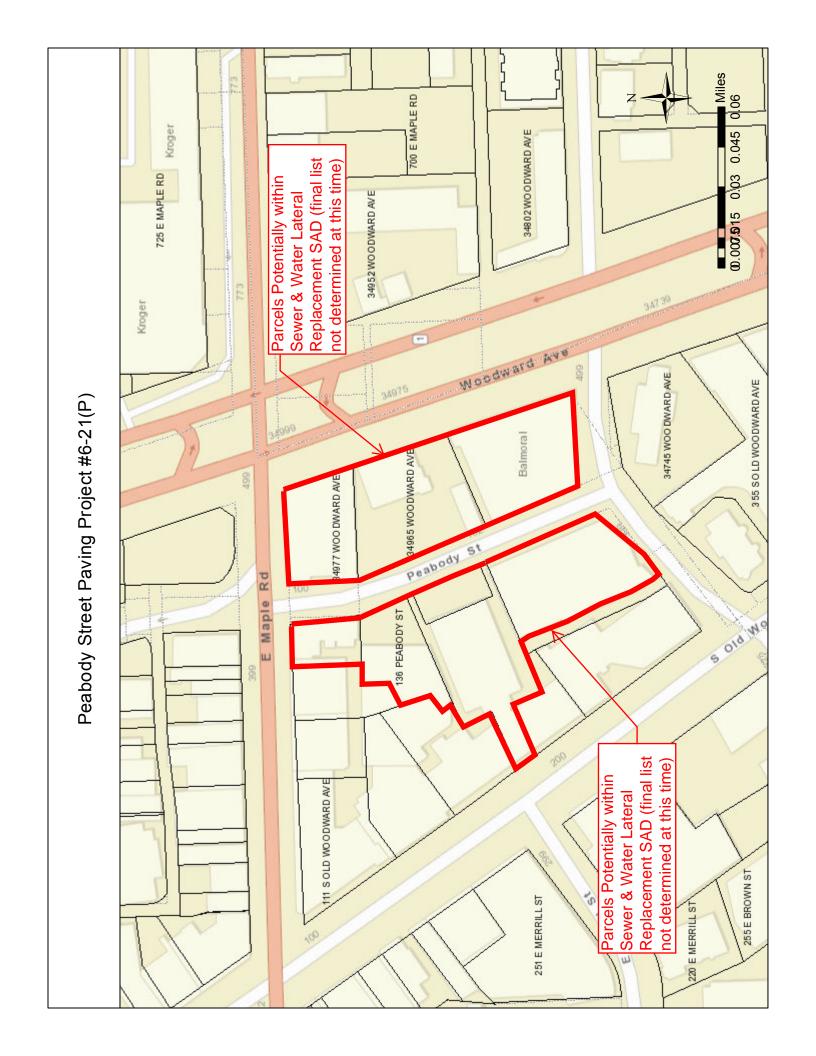
It is recommended that a Public Hearing of Necessity for the replacement of sewer and water services be scheduled at the Monday, July 26, 2021 City Commission meeting. It is further recommended that the Public Hearing on Confirmation of the Roll be held on Monday, August 9, 2021.

#### SUGGESTED ACTION:

To adopt a resolution for the City Commission to meet on Monday, July 26, 2021, at 7:30 P.M., for the purpose of conducting a Public Hearing of Necessity for the replacement of sewer and water services within the Townsend & Peabody Street Paving project areas.

Be it further RESOLVED, that the City Commission meet on Monday, August 9, 2021 at 7:30 P.M. for the purpose of conducting a Public Hearing on Confirmation of the Roll for the replacement of sewer and water services in the Townsend & Peabody Street Paving project areas.







July 15, 2021

TO: Property Owners

RE: Townsend and Peabody Paving Project

Water & Sewer Lateral Replacement

The City of Birmingham has scheduled significant work on your street during the 2021 construction season. Upgrades to the water and sewer system, and complete street pavement replacement are planned.

You should have already been notified there is a public hearing scheduled to occur on July 26, 2021 to consider a Special Assessment District for replacing certain water and sewer laterals to individual properties within the project area. Since water and sewer services only benefit one property, they are not considered a part of the City's public system, and the maintenance and repair of the services from the building to the connection at the public main is the responsibility of each individual property owner. City policy dictates that these replacements are completed at the property owner expense. This letter is to help clarify what is being assessed. Not all properties are being assessed; only those that qualify as outlined below will have their sewer and/or water service replaced and receive an assessment.

The City's policy outlined in section 114-30 of the city code is to replace any water service that is less than 1 inch in diameter, and outlined in section 114-171 of the city code is to replace any sewer service that is 50 or more years old, in poor condition, or is made of materials that do not meet city standards (e.g. "Orangeburg" pipe). Replacement during a road construction project protects the City's investment in the road by reducing the chance of failure by a lateral within the right-of-way area.

After review of our records we expect the following parcels to be involved in the special assessment;

Parcel Identification Number	Address	Description
08-19-36-135-033 to 072	600 W Brown	10" Sewer Lead and 8" Sewer Lead
08-19-36-135-025 to 031	555 Townsend	(2) 6" Sewer Leads
08-19-36-135-009	491 Townsend	6" Sewer Lead
08-19-36-131-017	504 Townsend	34" Water Service Upgrade

Should a parcel be discovered to have items requiring assessment they will be added to the roll at a later date and the property owner will be notified.

The actual cost of replacing the section of the water and/or sewer lateral charged to you will vary depending on the actual location of the City mains, and any other obstacles, such as trees, that are in the way. Property owners are only charged for the actual length of service replaced if their service qualifies for assessment as described above.

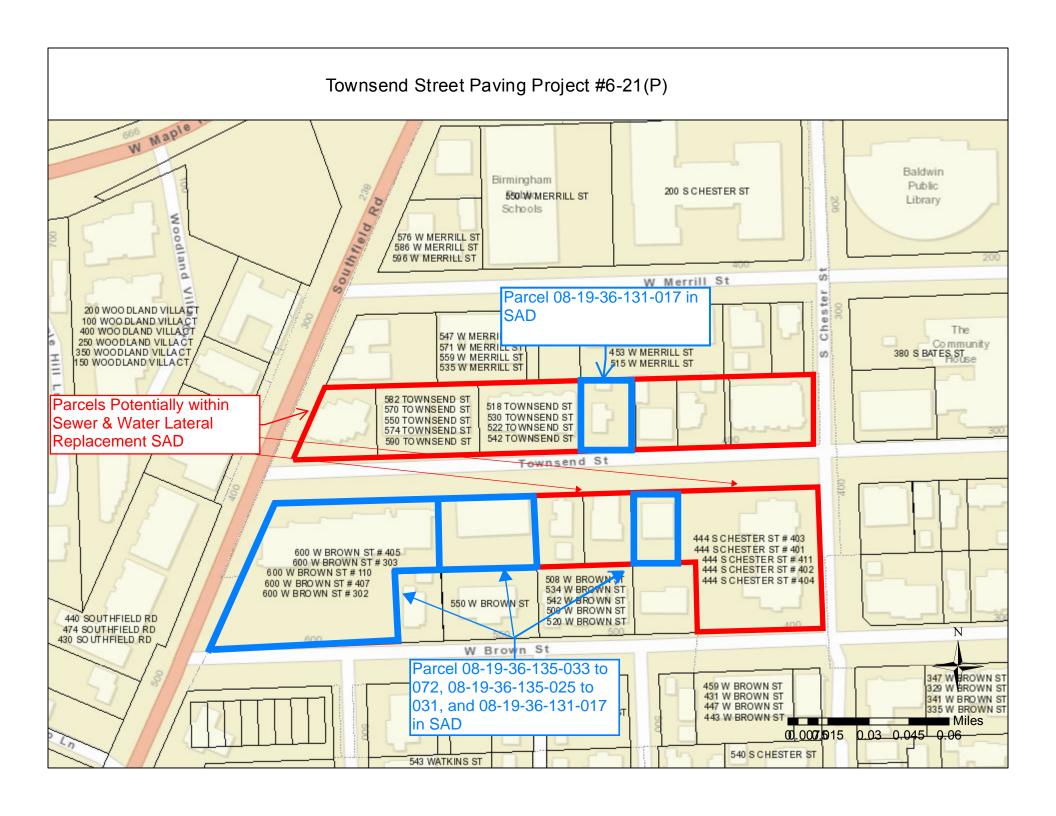
After the work is completed, an invoice will be generated and sent to the property owner of record for the length of service(s) replaced. Payment in full will be expected within 30 days of receipt. If you are not in a position to pay off the charge in one payment, it can be broken into as many as 10 annual payments. An annual interest charge on the remaining balance, currently about 5%, will apply. It is expected that property owners will see a total charge of \$1,600 to \$5,000 for work related to this project.

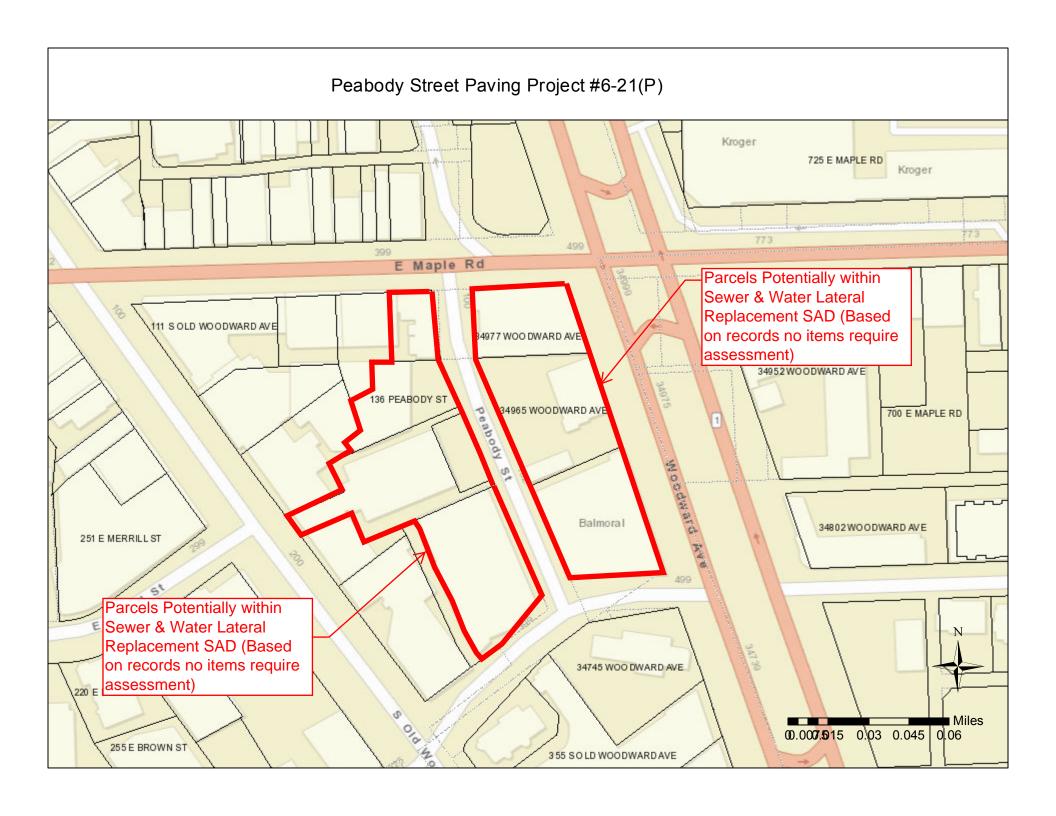
Recent experience has shown that replacing the water and sewer laterals as a part of our paving projects can substantially reduce the cost of replacement to the owner, as a repair of a water or sewer lateral in an emergency situation can often cost over \$15,000.

If you would like to know the actual amount estimated for your property, or have any other questions or concerns, please contact the Engineering Office at (248) 530-1850. You have the opportunity to speak directly to the City Commission, at the public hearing of necessity that will be held on July 26, 2021.

Sincerely,

Scott D. Zielinski, P.E. Assistant City Engineer





Parcel Identification Number	Address	Description	Sewer Service Length (R.O.W. Only)	Sewer Service Cost Per Foot (Estimate)	Water Service Length (R.O.W. Only)	Water Service Cost Per Foot (Estimate)	Total Cost
08-19-36-135-033 to 072	600 W Brown	10" Sewer Lead	40	\$150.00	0	\$0.00	\$6,000.00
08-19-36-135-033 to 072	600 W Brown	8" Sewer Lead	20	\$125.00	0	\$0.00	\$2,500.00
08-19-36-135-025 to 031	555 Townsend	(1st) 6" Sewer Lead	16	\$100.00	0	\$0.00	\$1,600.00
08-19-36-135-025 to 031	555 Townsend	(2nd) 6" Sewer Lead	16	\$100.00	0	\$0.00	\$1,600.00
08-19-36-135-009	491 Townsend	6" Sewer Lead	16	\$100.00	0	\$0.00	\$1,600.00
08-19-36-131-017	504 Townsend	34" Water Service Upgrade	0	\$0.00	37	\$50.00	\$1,850.00



## **MEMORANDUM**

**Planning Division** 

DATE: July 26<sup>th</sup>, 2021

TO: Thomas Markus, City Manager

FROM: Nicholas Dupuis, City Planner

APPROVED: Jana L. Ecker, Planning Director

SUBJECT: Public Hearing 501 S. Eton – Whistle Stop – Special Land Use

Permit, Final Site Plan & Design Review

#### INTRODUCTION:

The applicant has submitted an application for a Special Land Use Permit, Final Site Plan and Design Review for a proposed bistro license in the existing Whistle Stop Diner in the Rail District of Birmingham.

#### BACKGROUND:

The Whistle Stop was selected by the City Commission on October 26, 2020 as the sole bistro application to move forward to contend for one of the two bistro licenses that may be approved for an existing establishment each calendar year. During the selection process, the applicant described the Whistle Stop as a true family friendly restaurant with a delicious assortment of offerings for breakfast, brunch and lunch.

On June 9<sup>th</sup>, 2021, the Planning Board recommended approval to the City Commission the Special Land Use, Final Site Plan and Design Review with the following conditions:

- 1. The Planning Board approves the proposed 67% glazing on the storefront façade;
- 2. The applicant must submit specification sheets for the proposed roll down garage doors showing a VLT of 80%;
- 3. The applicant must submit a Certified Land Survey and Existing Conditions Plan prior to the Public Hearing at the City Commission;
- 4. The applicant must work with the Planning and Engineering Departments to reduce the amount of concrete proposed and improve the streetscape as suggested by the Board for administrative approval;
- 5. The applicant must replace the existing tinted windows with clear glass; and,
- 6. The applicant must comply with the requests of all City Departments.

At this time, the applicant has addressed the conditions required by the Planning Board. All of the required documentation has been provided, and has reworked the streetscape plan to include more greenspace, as well as a bench and bike racks.

#### LEGAL REVIEW:

The City Attorney has reviewed this application and has no concerns as to form and content.

#### FISCAL IMPACT:

There are no fiscal impacts for this agenda item.

#### PUBLIC COMMUNICATIONS:

As required for Special Land Use Permit and Final Site Plan Reviews, a legal ad was placed in a newspaper of local circulation to advertise the nature of the request advance of the June 9<sup>th</sup>, 2021 Planning Board meeting, and notices were sent out to all property owners and tenants within 300′ of the property. In addition, a second round of notices was sent out to advertise the public hearing at the City Commission.

#### SUMMARY:

The Planning Division requests that the City Commission consider the Special Land Use Permit, Final Site Plan and Design Review application for 501 S. Eton – Whistle Stop.

#### ATTACHMENTS:

Please find attached the following documents for your review:

- Draft Special Land Use Permit Resolution
- Planning Division Report
- Site/Design Plans
- Meeting Minutes
- Application & Supporting Documents

#### SUGGESTED RESOLUTION:

To approve the Special Land Use Permit, Final Site Plan and Design Review application for 501 S. Eton – Whistle Stop to allow the operation of a bistro.

#### WHISTLE STOP

501 S. Eton Special Land Use Permit 2021

WHEREAS, WHISTLE STOP filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a food and drink establishment serving alcoholic liquors in the MX (Mixed-Use) zoning district in accordance Article 2, Section 2.39 (C)(2)(b) of Chapter 126, Zoning, of the City Code;

WHEREAS, the land for which the Special Land Use Permit is sought is located on the east side of S. Eton, south of Maple Rd.;

WHEREAS, The land is zoned MX, which permits the operation of food and drink establishments serving alcoholic liquors using a BISTRO license with a Special Land Use Permit;

WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;

WHEREAS, The applicant submitted an application for a Special Land Use Permit, Final Site Plan and Design Review for WHISTLE STOP to operate at 501 S. Eton;

WHEREAS, The Planning Board on May 26, 2021 reviewed the application for a Special Land Use Permit, Final Site Plan and Design Review and recommended APPROVAL to the City Commission to permit a new food and drink establishment serving alcoholic liquors with the following conditions:

- 1. The Planning Board approves the proposed 67% glazing on the storefront façade;
- 2. The applicant must submit specification sheets for the proposed roll down garage doors showing a VLT of 80%;
- 3. The applicant must submit a Certified Land Survey and Existing Conditions Plan prior to the Public Hearing at the City Commission;
- 4. The applicant must work with the Planning and Engineering Departments to reduce the amount of concrete proposed and improve the streetscape as suggested by the Board for administrative approval;
- 5. The applicant must replace the existing tinted windows with clear glass; and,
- 6. The applicant must comply with the requests of all City Departments.

WHEREAS, The applicant has agreed to provide all requested information and to comply with the requests of all City departments;

WHEREAS, The Birmingham City Commission has reviewed WHISTLE STOP'S Special Land Use Permit application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that

WHISTLE STOP'S application for a Special Land Use Permit, Final Site Plan and Design Review at 501 S. Eton is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit is granted subject to the following conditions:

- 1. The Planning Board and City Commission approves 67% glazing on the storefront façade.
- 2. WHISTLE STOP will close outdoor dining areas by 3 PM each day of the week.
- 3. WHISTLE STOP shall abide by all provisions of the Birmingham City Code; and
- 4. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest.

BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

BE IT FURTHER RESOLVED, Except as herein specifically provided, WHISTLE STOP and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of WHISTLE STOP to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

MAY IT BE FURTHER RESOLVED that WHISTLE STOP is recommended for the operation of a food and drink establishment serving alcoholic beverages on premises, above all others, subject to final inspection.

I, Alexandria Bingham, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on July 26, 2021.

Alexandria Bingham City Clerk



## **MEMORANDUM**

**Planning Division** 

DATE: June 9<sup>th</sup>, 2021

TO: Jana Ecker, Planning Director

FROM: Nicholas Dupuis, City Planner

SUBJECT: 501 S. Eton – Whistle Stop – Special Land Use Permit, Final Site

Plan & Design Review

The subject site, 501 S. Eton, is currently used as a restaurant within an existing one-story commercial building fronting S. Eton. The applicant has submitted a Special Land Use and Final Site Plan/Design Review application requesting a bistro license for the Whistle Stop Diner.

On January 22<sup>nd</sup>, the Planning Board reviewed and approved a Design Review application for extensive façade renovations at the Whistle Stop which included an expansion into the adjacent tenant space. The applicant is proposing minor exterior changes to the building/site as a part of this Special Land Use Permit and Final Site Plan/Design Review application, which revolve around the placement of the proposed outdoor dining facility.

The Whistle Stop was selected by the City Commission on October 26, 2020 as the sole bistro application to move forward to contend for one of the two bistro licenses that may be approved for an existing establishment each calendar year. During the selection process, the applicant described the Whistle Stop as a true family friendly restaurant with a delicious assortment of offerings for breakfast, brunch and lunch.

The Birmingham Code of Ordinances states that a contract for transfer and a Special Land Use Permit are required for all licenses approved under Chapter 10 – Alcoholic Liquors. The licensee must comply with all provisions of the contract and Special Land Use Permit, and any amendments thereto as a condition of granting of a requested transfer. Accordingly, the applicant must obtain a recommendation from the Planning Board on the Special Land Use and Final Site Plan/Design Review application, which is then reviewed for final consideration by the City Commission.

#### 1.0 Land Use and Zoning

- 1.1 Existing Land Use One-story multi-tenant commercial building.
- 1.2 Zoning MX (Mixed-Use)

#### 1.3 Summary of Adjacent Land Use and Zoning -

	North	South	East	West	
Existing	Multi Family	Commercial	Multi-Family/	Single-Family	
Land Use	Multi-Family		Commercial	Residential	
Existing	MX (Mixed- Use)	MX (Mixed- Use)	MX (Mixed- Use)	R3 (Single-	
Zoning				Family	
District				Residential)	
Overlay					
Zoning	N/A	N/A	N/A	N/A	
District					

#### 2.0 Bistro Requirements

Article 9, Section 9.02, Definitions, of the Zoning Ordinance defines a bistro as a restaurant with a full service kitchen with interior seating for no more than 65 people and additional seating for outdoor dining for no more than 65 people.

Article 3, Section 3.04(C)(10) of the Zoning Ordinance permits bistros in the Downtown Overlay District as long as the following conditions are met:

- a. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;
- b. Alcohol is served only to seated patrons, except those standing in a defined bar area:
- c. No dance area is provided;
- d. Only low key entertainment is permitted;
- e. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
- f. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1' and 8' in height;
- g. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
- h. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, enclosed platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
- i. Enclosures facilitating year round dining outdoors are not permitted.

- j. Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.
- k. Outdoor rooftop dining is permitted with the conditions that surrounding properties are not impacted in a negative manner and adequate street level dining is provided as determined by the Planning Board and City Commission. Rooftop dining seats will count towards the total number of permissible outdoor dining seats.

At this time, the applicant appears to meet the requirements listed above. On the interior, the proposed bar counter contains 8 seats. There is no dance floor, and there are no indications on the plans there any entertainment will be provided at the proposed restaurant. In totality, the applicant is proposing 64 interior seats, including the 8 at the bar.

As far as exterior conditions, a 28-seat outdoor patio is proposed along the front of the building, which is a change from the January 2020 Design Review in which the applicant proposed to erect a platform in the grassy easement across the sidewalk. The outdoor dining area is proposed to be enclosed by a removable railing that measures 36 in. in height, contains a trash receptacle, and is accessed by two overhead garage doors and one typical entry door. Additionally, although the outdoor dining area appears to be located on public property, the applicant is proposing to repave the 453 sq. ft. area with pervious concrete to help mitigate the loss of greenspace caused by the relocation of the patio. Further streetscape/landscaping changes will be discussed below. Finally, the applicant has provided glazing calculations at 67%, which will be discussed in detail below.

The Whistle Stop has indicated that the introduction of a bistro license will not change the hours of operation for the indoor or outdoor dining areas. The Whistle stop plans to maintain the current hours of operation of 7 AM – 3 PM, Monday-Saturday, and 8 AM – 3 PM on Sundays. The proposed hours of operation for the restaurant, and subsequently the outdoor patio, meet the requirements of the Zoning Ordinance as they close well before 10 PM.

#### 3.0 Setback and Height Requirements

Please see the attached zoning compliance summary sheet for details on setback and height requirements. There are currently no issues with bulk, height or placement with the Special Land Use Permit, Final Site Plan/Design Review application submitted.

#### 4.0 Screening and Landscaping

- 4.1 <u>Dumpster Screening</u> There are no changes proposed to the dumpster or screening on site.
- 4.2 <u>Parking Lot Screening</u> There are no changes proposed to the parking lot or associated screening.
- 4.3 <u>Mechanical Equipment Screening</u> There are no changes proposed to the mechanical equipment or screening on site.
- 4.4 <u>Landscaping</u> The applicant is proposing to install new boxwood plantings and one new maple tree in front of the existing parking lot screen wall at the southwest corner of the property. The proposed new landscaping is an attempt to introduce new greenspace and tree cover to the right-of-way to make up for the greenspace and tree proposed to be removed in the easement, which is discussed in detail below.
- 4.5 <u>Streetscape</u> As noted above, the proposed relocation of the outdoor dining area from a platform in the easement to a typical patio adjacent to the building has necessitated a proposed re-design of the streetscape in front of the building. The applicant is proposing to remove 1 of 3 existing street trees and the majority of the grass in the easement to repave and rework the sidewalk around their newly proposed outdoor dining area. The resulting streetscape will contain a small grassy area and tree at the south end of the streetscape, an existing tree in a new planter at the north end, and a 6 ft. clear walking path that curves around the patio to the west.
  - Article 4, Section 4.20 (G) requires at least 1 street tree for each 40 ft. of frontage. The entire building contains 130 ft. of frontage, which requires 3 street trees. Although the applicant is proposing to remove one of the 3 existing trees, they are proposing to replace the tree at the south end of the property. At this time, however, it is unclear as to whether or not the new tree is proposed on public or private property. Additionally, the spacing of the trees would be mismatched/uneven based on the rest of the S. Eton streetscape. The property line indicated on the site plan submitted extends roughly 5 ft. beyond the face of the building, whereas City records indicate that the S. Eton right-of-way may extend all the way to the face of the building. The Applicant has not yet submitted a Certified Land Survey to confirm the location of the property lines.

At this time, the applicant has not proposed any additional streetscape improvements such as benches, bike racks, waste receptacles, or streetlights. The Planning Board may wish to require the applicant to provide some of these

streetscape improvements as a part of the Special Land Use Permit, Final Site Plan/Design review application submitted.

#### 5.0 Parking, Loading and Circulation

- 5.1 <u>Parking</u> There are no changes to the parking requirements on site. The applicant has a 13-space on-site parking facility, 8 spaces in the ROW that were approved to be counted towards the off-street parking required (2007), and received a variance of 17 parking spaces in 2020 for a total of 38 spaces.
- 5.2 <u>Loading</u> There are no changes proposed to the loading requirements.
- 5.3 <u>Vehicular Circulation and Access</u> There are no changes proposed to the vehicular circulation and access.
- 5.4 <u>Pedestrian Circulation and Access</u> The pedestrian circulation along S. Eton is proposed to be altered by redirecting the sidewalk west to make room for the newly proposed outdoor dining area. All entrances/exits are proposed to remain as existing.

It is worth noting at this time that there are currently no sidewalks located on the north (Hazel) and south (Palmer) sides of the property. These areas are currently inhabited by greenspace and arborvitaes. As a longstanding neighborhood eatery and destination, it would be beneficial in the near future to work together on ways to improve connectivity to the site for pedestrian access from Hazel and Palmer.

#### 6.0 Lighting

There are no new light fixtures or changes in lighting proposed.

#### 7.0 Departmental Reports

- 7.1 <u>Engineering Division</u> The Engineering Division has provided the following comments:
  - 1. The plans propose to remove at least one street tree, while the other two are noted as "in existing planters," which do not exist. The current condition has the street trees in grass/mulch.
  - 2. The applicant is proposing to remove a lot of pervious area and the Engineering Division would like to balance that out. The applicant is proposing pervious concrete in the patio space, and we would like to see the drainage plan, as the pervious space would only be as successful as

- its drainage area. Additionally, a maintenance plan might be needed depending on the design. Lastly, there does not appear to be any greenspace around the tree at the north of the streetscape where there may be room for some.
- 3. There seems to be a significant fall between the existing walk at the building and exiting top of curb, which may make extending the sidewalk challenging for ADA. Simply raising the curb height is not permitted as it would affect cars parking there from opening their doors and potentially be a hazard to drivers.
- 4. The existing curb does not look to be in great shape, and may need repairs if the walk were pushed to the edge. The pavement adjacent to the curb looks to be in poor condition, too, and any work on the curb may result in additional pavement replacement.
- 5. The fence for the outdoor dining area ends very close to the neighboring tenant space door at the south end of the outdoor dining area. The Engineering Division would suggest the applicant gain written approval for this condition.
- 6. When sidewalks are pushed to the curb, we would prefer a wider sidewalk than 5 feet. Even though parking is here, not a traveled lane, when a door is open, there has to be at least 30 inches of space for ADA compliance, which would reduce the sidewalk width and potentially interrupt the flow of pedestrians.
- 7.2 <u>Department of Public Services</u> The Department of Public Services has not provided any comments at this time.
- 7.3 <u>Fire Department</u> The Fire Department has provided the following comments and requests for information:
  - 1. Determined occupant load by Building Department and Fire Marshal.
  - 2. Hood suppression acceptance test.
  - 3. Keys provided for Knox box.
  - 4. Fire extinguisher placement.
  - 5. Final site inspection required.
- 7.4 <u>Police Department</u> The Police Department does not have any concerns at this time, but noted that the formal police liquor license investigation has not yet been initiated.
- 7.5 <u>Building Division</u> The Building Division has provided the following comments:

As requested, the Building Department has examined the plans for the proposed project referenced above. The plans were provided to the Planning Department

for site plan review purposes only and present conceptual elevations and floor plans. Although the plans lack sufficient detail to perform a code review, the following comments are offered for Planning Design Review purposes and applicant consideration:

## Applicable Building Codes:

- 2015 Michigan Building Code. Applies to all buildings other than those regulated by the Michigan Residential Code.
- 2015 Michigan Mechanical Code. (Residential requirements for mechanical construction in all detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures are contained in the Michigan Residential Code)
- 2015 Michigan Plumbing Code. (Residential requirements for plumbing construction in all detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures are contained in the Michigan Residential Code)
- 2017 National Electrical Code along with the Michigan Part 8 Rules. (Residential requirements for electrical construction in all detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures are contained in the Michigan Residential Code)

## **Review Comments:**

 No building codes concerns at this time. The applicant will need to submit revised construction documents for the proposed changes to the existing approved plans.

## 8.0 Design Review

As noted above, the only new exterior change proposed on the building are the addition of two new overhead garage doors on the west façade, which will act as access to the outdoor dining area and provide more interaction between the restaurant and the streetscape. The two garage doors are constructed of black metal and glass.

## Glazing

Because the applicant is proposing to rework the storefront, and subsequently the glazing, the Planning division requested that the applicant submit glazing calculations

for the proposed storefront to compare to the Window Standards in Article 4, Section 4.90, as well as the bistro standards in Article 3, Section 3.04 of the Zoning Ordinance. The applicant has submitted glazing calculations that indicate a glazed area of 67% between 1 ft. and 8 ft. from grade. The Zoning Ordinance requires storefronts to contain a minimum of 70% glazing in between 1 ft. and 8 ft. from grade.

However, to allow flexibility in design, these standards may be modified by a majority vote of those appointed and serving on the Planning Board, Design Review Board for architectural design considerations provided that the following conditions are met:

- a. The subject property must be in a zoning district that allows mixed uses;
- b. The scale, color, design and quality of materials must be consistent with the building and site on which it is located;
- c. The proposed development must not adversely affect other uses and buildings in the neighborhood;
- d. Glazing above the first story shall not exceed a maximum of 70% of the façade area;
- e. Windows shall be vertical in proportion.

At this time, the applicant appears to meet the above conditions. Thus, the applicant must receive approval from the Planning Board to provide 67% glazing on the storefront façade, provide additional glazing, or obtain a variance from the Board of Zoning Appeals.

Furthermore, the applicant has not submitted specification sheets with Visual Light Transmittance (VLT) figures that are required with any new glazing proposed. The new glazing is required to meet the current Window Standards which is 80% VLT. At this time, the Planning Division has been advised that it will be clear and complement the existing glass. The Planning Board may cite the ordinance language above to modify the clarity requirements slightly if the applicant is unable to meet the 80% VLT requirements. Thus, the applicant must submit specification sheets for the proposed roll down garage doors showing a VLT of 80%, receive approval from the Planning Board for a lower VLT percentage, or obtain a variance from the Board of Zoning Appeals.

## **Outdoor Dining**

Although the materials proposed within the outdoor dining area have not changed from the Design Review in 2020, the applicant has re-submitted the specification sheets for the furniture for convenience. The proposed tables and chairs are constructed of metal as required by Article 4, Section 4.44 of the Zoning Ordinance. The tables are proposed to be "Black" in color, while the chairs are proposed in "Cherry Red". The applicant is also proposing two umbrellas, which are "Logo Red" in color.

## 9.0 Required Attachments

	Submitted	Not Submitted	Not Required
Existing Conditions Plan		$\boxtimes$	
Detailed and Scaled Site Plan	$\boxtimes$		
Certified Land Survey		$\boxtimes$	
Interior Floor Plans	$\boxtimes$		
Landscape Plan	$\boxtimes$		
Photometric Plan			$\boxtimes$
Colored Elevations	$\boxtimes$		
Material Specification Sheets	$\boxtimes$		
Material Samples			$\boxtimes$
Site & Aerial Photographs	$\boxtimes$		

Although the applicant has submitted a letter stating that they have contracted with Survey Tech for a land survey, the applicant has not yet submitted a Certified Land Survey or Existing Conditions Plan. The applicant must submit a Certified Land Survey and Existing Conditions Plan prior to the Public Hearing at the City Commission.

## 10.0 Bistro Criteria

Chapter 10, Alcoholic Liquors, section 10-82 provides a limitation on the number of Bistro Licenses that the City Commission may approve, and provides selection criteria to assist the Planning Board and City Commission in evaluating applications for Bistro Licenses. Section 10-82 states:

- (1) New establishments. Two (2) Bistro Licenses may be approved each calendar year to applicants who do not meet the definition of existing establishments as set forth in (a)(1) above. In addition to the usual criteria used by the city commission for liquor license requests, the commission shall consider the following non-exclusive list of criteria to assist in the determination of which of the new establishment applicants, if any, should be approved:
  - a. The applicant's demonstrated ability to finance the proposed project.
  - b. The applicant's track record with the city including responding to city and/or citizen concerns.
  - c. Whether the applicant has an adequate site plan to handle the bistro liquor license activities.
  - d. Whether the applicant has adequate health and sanitary facilities.
  - e. The establishment's location in relation to the determined interest in the establishment of bistros in the Overlay District and the Triangle District.

- f. The extent that the cuisine offered by applicant is represented in the city.
- g. Whether the applicant has outstanding obligations to the city (ie property taxes, utilities, etc.).

During the Bistro Selection process at the City Commission, the applicant demonstrated their ability to continue to finance the renovation/bistro project that has already begun. The acquisition of a liquor license, and subsequently a Special Land Use Permit from the City is the final step in this ongoing process. The applicant has also noted that they have a good track record with the City of Birmingham, as well as the City of Pleasant Ridge where the second Whistle Stop location is located. The proposed site plan appears to be able to handle the bistro liquor license activities and contains improved health and sanitary facilities. Finally, this would be the first bistro liquor license in the Rail District, and the Whistle Stop is the sole purveyor of breakfast/brunch cuisine in the area.

## 11.0 Approval Criteria

In accordance with Article 7, section 7.27 of the Zoning Ordinance, the proposed plans for development must meet the following conditions:

- (1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.
- (2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.
- (3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property nor diminish the value thereof.
- (4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.
- (5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.
- (6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

In addition, Article 7, Section 7.26 requires applications for a Special Land Use Permit to meet the following criteria:

(1) The use is consistent with and will promote the intent and purpose of this Zoning Ordinance.

- (2) The use will be compatible with adjacent uses of land, the natural environment, and the capabilities of public services and facilities affected by the land use.
- (3) The use is consistent with the public health, safety and welfare of the city.
- (4) The use is in compliance with all other requirements of this Zoning Ordinance.
- (5) The use will not be injurious to the surrounding neighborhood.
- (6) The use is in compliance with state and federal statutes.

#### 12.0 Recommendation

Based on a review of the site plan submitted, the Planning Division recommends that the Planning Board recommend **APPROVAL** to the City Commission the Special Land Use and Final Site Plan/Design Review application for 501 S. Eton – Whistle Stop – with the following conditions:

1. The Planning Board APPROVES the proposed 67% glazing on the storefront facade;

OR

- 1. The applicant must provide additional glazing, or obtain a variance from the Board of Zoning Appeals;
- The applicant must submit specification sheets for the proposed roll down garage doors showing a VLT of 80%, receive approval from the Planning Board for a lower VLT percentage, or obtain a variance from the Board of Zoning Appeals;
- 3. The applicant must submit a Certified Land Survey and Existing Conditions Plan prior to the Public Hearing at the City Commission; and
- 4. The applicant must comply with the requests of all City Departments.

## 13.0 Sample Motion Language (Final Site Plan & Design Review)

Motion to recommend **APPROVAL** to the City Commission the Final Site Plan & Design Review for 501 S. Eton – Whistle Stop – with the following conditions:

1. The Planning Board APPROVES the proposed 67% glazing on the storefront façade;

OR

1. The applicant must provide additional glazing, or obtain a variance from the Board of Zoning Appeals;

- The applicant must submit specification sheets for the proposed roll down garage doors showing a VLT of 80%, receive approval from the Planning Board for a lower VLT percentage, or obtain a variance from the Board of Zoning Appeals;
- 3. The applicant must submit a Certified Land Survey and Existing Conditions Plan prior to the Public Hearing at the City Commission; and
- 4. The applicant must comply with the requests of all City Departments.

## OR

Motion to **POSTPONE** the Final Site Plan & Design Review for 501 S. Eton – Whistle Stop – pending receipt of the following:

- 1. The applicant must receive approval from the Planning Board to provide 67% glazing on the storefront façade, provide additional glazing, or obtain a variance from the Board of Zoning Appeals;
- The applicant must submit specification sheets for the proposed roll down garage doors showing a VLT of 80%, receive approval from the Planning Board for a lower VLT percentage, or obtain a variance from the Board of Zoning Appeals;
- 3. The applicant must submit a Certified Land Survey and Existing Conditions Plan prior to the Public Hearing at the City Commission; and
- 4. The applicant must comply with the requests of all City Departments.

## OR

Motion to recommend the **DENIAL** to the City Commission the Final Site Plan & Design Review for 501 S. Eton – Whistle Stop – for the following reasons:

1.	
2.	
3.	

## 14.0 Sample Motion Language (Special Land Use Permit)

Motion to recommend **APPROVAL** to the City Commission the Special Land Use Permit for 501 S. Eton – Whistle Stop – subject to the conditions of Final Site Plan & Design Review approval.

**OR** 

Motion to **POSTPONE** the Special Land Use Permit for 501 S. Eton – Whistle Stop – pending receipt of the following:

3
OR
Motion to recommend <b>DENIAL</b> to the City Commission the Special Land Use Permit fo 501 S. Eton – Whistle Stop – for the following reasons:
1
3

## Zoning Compliance Summary Sheet Final Site Plan Review 501 S. Eton – Whistle Stop

**Existing Site:** 1-Story Commercial Building

Zoning: MX (Mixed-Use)
Land Use: Commercial

## **Existing Land Use and Zoning of Adjacent Properties:**

	North	South	East	West		
Existing	Multi-Family	Commercial	Multi-Family/	Single-Family		
Land Use	Multi-i airiily	Commercial	Commercial	Residential		
Existing	MX (Mixed-	MX (Mixed-	MX (Mixed-	R3 (Single-		
Zoning	Use)	Use)	Use)	Family		
District	036)	use)	USE)	Residential)		
Overlay						
Zoning	oning N/A		N/A	N/A		
District						

**Land Area:** Existing: 0.26 ac.

Proposed: 0.26 ac.

**Dwelling Units:** Existing: 0 units

Proposed: 0 units

Minimum Lot Area/Unit: Required: N/A

Proposed: N/A

Min. Floor Area /Unit: Required: N/A

Proposed: N/A

Max. Total Floor Area: Required: 100%

6,000 sq. ft. for commercial, office, and service uses

Proposed: 3,893 sq. ft. (no changes proposed)

Min. Open Space: Required: N/A

Proposed: N/A

Max. Lot Coverage: Required: N/A

Proposed: N/A

Front Setback: Required: 0 ft.

Proposed: 5 ft. (no changes proposed)

**Side Setbacks** Required: 0 ft.

Proposed: 8 ft. (no changes proposed)

**Rear Setback:** Required: 10 ft.

Proposed: 5 ft. (no changes proposed)

Min. Front+Rear Setback Required: N/A

Proposed: N/A

Max. Bldg. Height: Permitted: 45 ft., 4 stories

Proposed: 16 ft., 1 story (no changes proposed)

Min. Eave Height: Required: 18 ft.

Proposed: 14 ft. (no changes proposed)

Floor-Ceiling Height: Required: 12 ft.

Proposed: None listed

**Front Entry:** Required: On frontage line

Proposed: On frontage line (no changes proposed)

**Absence of Bldg. Façade:** Required: 32 in. screenwall

Proposed: 32 in. screenwall (no changes proposed)

**Opening Width:** Required: 25 ft.

Proposed: 3 ft. (no changes proposed)

**Parking:** Required: 38 off-street spaces

Proposed: 38 off- street spaces (private, ROW & variance)

Min. Parking Space Size: Required: 180 sq. ft.

Proposed: 180 sq. ft. (no changes proposed)

**Parking in Frontage:** Required: Off-street parking contained in the first story shall not be

permitted within 10 feet of any building facade on a frontage line or between the building facade and the

frontage line.

Proposed: No parking in 1st story (no changes proposed)

**Loading Area:** Required: None

Proposed: None

Screening:

<u>Parking</u>: Required: 32 in. masonry screen wall

Proposed: 32 in. masonry screen wall (no changes proposed)

Loading: Required: Minimum 6 ft. screen wall

Proposed: N/A

Rooftop Mechanical: Required: Fully screened from public view

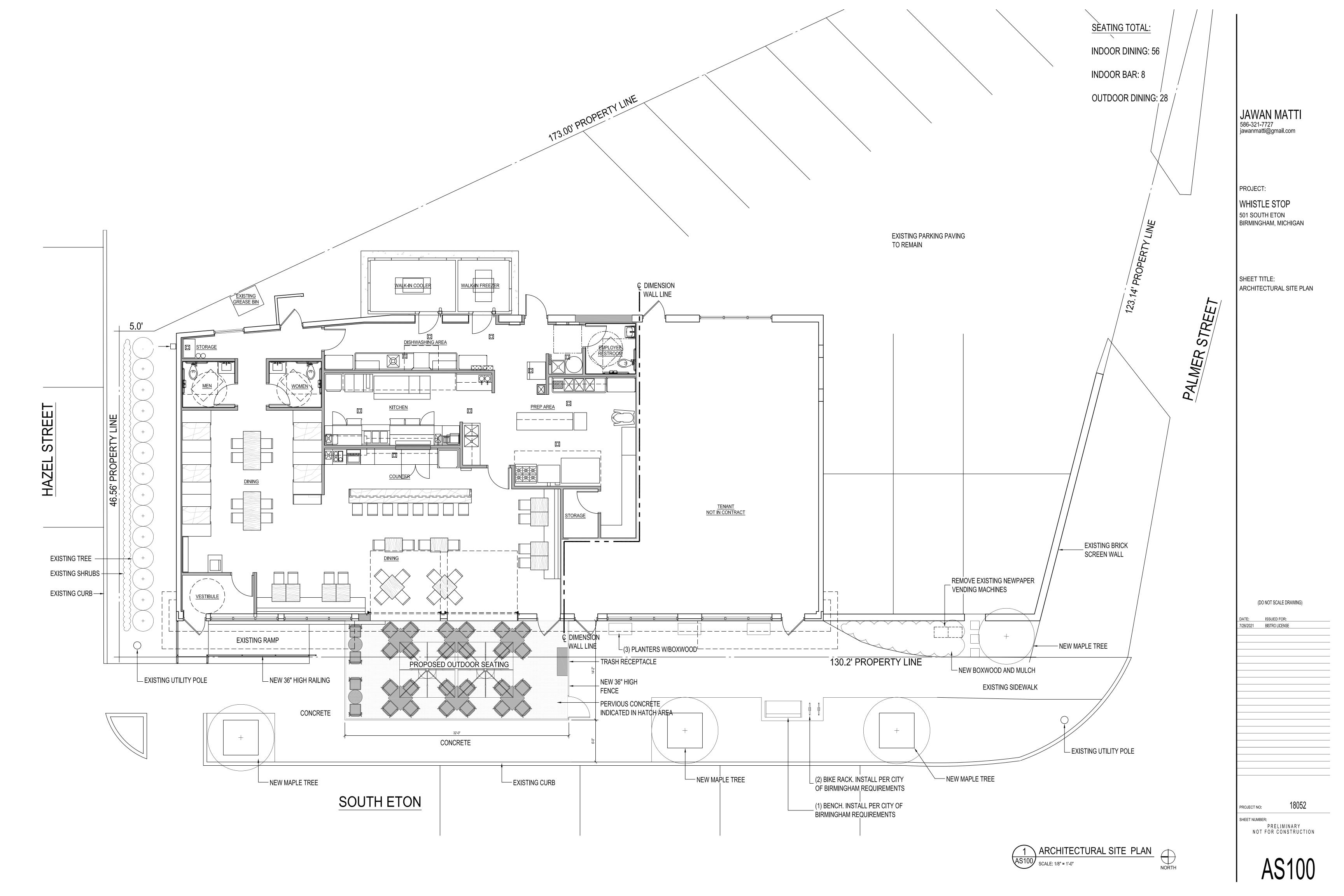
Proposed: Corrugated metal panels (no changes proposed)

<u>Elect. Transformer</u>: Required: Obscured from public view

Proposed: N/A

<u>Dumpster</u>: Required: 6 ft. masonry w/ wood gate

Proposed: None (no changes proposed)







JAWAN MATTI 586-321-7727 jawanmatti@gmail.com

PROJEC

WHISTLE STOP
501 SOUTH ETON
BIRMINGHAM, MICHIGAN

SHEET TITLE:

(DO NOT SCALE DRAWING)

DATE: ISSUED FOR 7/26/2021 BISTRO LICEN

PROJECT NO:

SHEET NUMBER:

PRELIMINARY
NOT FOR CONSTRUCTI

A200

**GLAZING CALCULATION:** 

AREA: 384 S.F.

GLAZING AREA: 258 S.F.

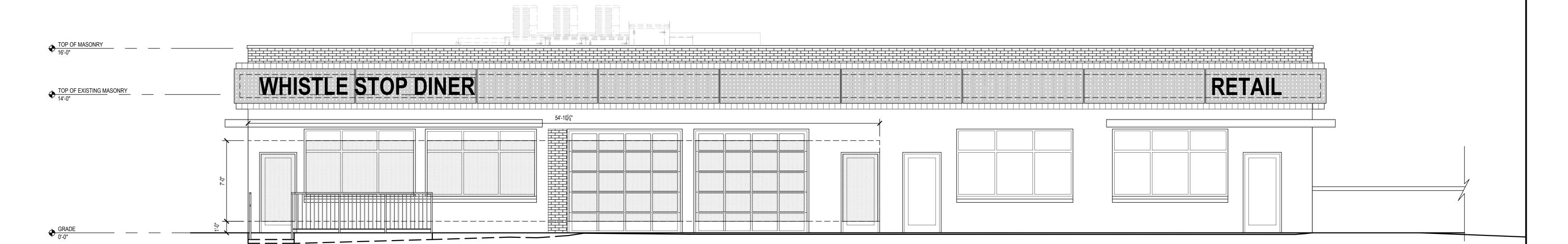
PERCENTAGE: 67%

JAWAN MATTI 586-321-7727 jawanmatti@gmail.com

PROJECT:

WHISTLE STOP
501 SOUTH ETON
BIRMINGHAM, MICHIGAN

SHEET TITLE: EXTERIOR



WEST (ETON) ELEVATION

SCALE: 1/4" = 1'-0"

(DO NOT SCALE DRAWING)

DATE: ISSUED FOR: 5/10/2021 BISTRO LICENSE

PROJECT NO:

HEET NUMBER:
PRELIMINARY
NOT FOR CONSTRUCTION

Δ201



## 06-076-21

## D. Review Of The Agenda

There were no changes to the agenda.

## 06-077-21

## E. Special Land Use Permit Review and Final Site Plan and Design Review

**1. 501 S. Eton – Whistle Stop** – Request for a Special Land Use Permit to consider approval of a new bistro serving alcoholic liquors in an existing building.

CP Dupuis reviewed the item. He noted that this would actually be the second bistro in the Rail District since it would be in addition to the bistro in Whole Foods.

Patrick Howe, attorney, Jawan Matti, architect, and Elda and Valter Xhomaqi, owners, were present on behalf of the applicant.

Ms. Matti said she had proposed concrete for the area in front of the southern tenant space because she was concerned the sidewalk might otherwise be too choppy. She said she was not yet sure what the proposed pervious concrete would look like.

Mr. Koseck said he was in favor of having more green space in front of the southern tenant space instead of concrete. He also asked that the front windows be updated to the City's current standards of clear glass.

Ms. Matti confirmed that the Xhomaqis would change out the current front window glass to clear glass to meet the current standards.

Mr. Howe said that would leave the project with a 3% deficiency on the glazing and asked the Board to approve the plans as such since it is a renovation.

Mr. Jeffares concurred with Mr. Koseck that the green space should be increased in front of the southern tenant space.

In reply to the Chair, Mr. Howe stated that the alcoholic beverages served would not deviate from the sample menu provided. He stated that there would not be full bar service, and that if Whistle Stop in the future wanted to modify that proposal they would return for a SLUP amendment.

In regards to Messrs. Koseck's and Jeffares' concerns about green space in front of the restaurant, Chair Clein noted complicating the pedestrian pathway in front of the restaurant could result in difficulties for visually impaired pedestrians navigating the space. He said he would be more in favor of possibly adding a new street tree, adding more pervious pavement, or adding planters and boxes to retain more greenery without causing additional challenges for visually impaired pedestrians.

PD Ecker confirmed for the Chair that she could work with the Engineering Department and the applicant to implement the Board's comments and administratively approve the item if that was the Board's recommendation.

Mr. Jeffares said than if more green space could not be added then bike parking could be provided on the areas of extra concrete.

Mr. Koseck concurred and suggested that benches or light fixtures could be other options for areas of excess concrete.

Mr. Howe said the applicant would be happy to work with the City to improve the front streetscape.

Ms. Whipple-Boyce noted that the area around the tree proceeding north along the sidewalk did not need to be paved. She expressed appreciation for the applicant's submitted designs generally, and agreed that the applicant could work with City departments to increase green space or give the concrete purpose in the front streetscape.

Subsequent to Board discussion about vehicle door swings, Mr. Emerine noted that the sidewalk as proposed met the City's code and ordinance standards. He noted that there was only one parallel parking space in front of the Whistle Stop. He said that while door swings might be a future topic for the Board to discuss more generally it was not an issue for this item from an engineering standpoint.

PD Ecker confirmed that the sidewalk's width as proposed met the City's ordinance requirements.

## **Public Comment**

James Schmier, resident of the Rail District and Board Member of Eton Two, said there were substantial issues with parking in the residential areas surround Whistle Stop. He said he was supportive of the bistro license being granted in general, but not until permit parking on the streets across from Attard was removed in order to decrease the number of vehicles parking in his neighborhood.

In reply to Chair Clein, PD Ecker confirmed that permit parking is evaluated by the Multi-Modal Transportation Board and the City Commission.

A second resident of the Rail District and a Board Member of Eton One concurred that she was fine with the bistro license being granted but not before traffic, congestion, and pedestrian safety issues at Eton and Hazel were addressed.

Chair Clein noted that the Whistle Stop is an existing establishment proposing a decreased amount of seating from what was previously approved. He stated that granting the bistro license would not likely have a significant impact on the number of patrons and would have no impact on the hours of operation. He said he also lives in the Rail District across from a restaurant and that parking has not been an issue as long as it is managed properly. He said that if the applicant

works to improve the proposed streetscape as discussed he would support the item if it came to a vote.

Mr. Emerine said he was happy to support the item moving forward. He noted that the Whistle Stop was an existing business with existing parking that would not exacerbate the area's parking and traffic issues, and that they had reduced their seating from the previous proposal. He said granting Whistle Stop a bistro license would be a wonderful asset to the City.

Mr. Jeffares said he wanted to see the Board's comments integrated into the design and returned for Board review once more. He said the changes proposed were important and stated it was unusual to allow these types of changes to be administratively approved.

Ms. Whipple-Boyce said she was confident that the Planning and Engineering Departments, working with the applicant, would be able to integrate the Board's comments without the Board needing to see the item again. She stated that the changes requested were not so significant that they required additional Board review. She also noted that PD Ecker had said she was comfortable resolving those issues as part of the administrative approval process.

Mr. Share said he agreed with Ms. Whipple-Boyce given the small area to be updated and the modest changes required. He agreed with Chair Clein that permitting the addition of eight alcoholic beverages to the Whistle Stop's menu would be unlikely to create an increase in parking congestion. He said he was not minimizing the parking issues in the area, only noting that denying this bistro application would not ameliorate those issues.

Mr. Williams concurred.

Mr. Williams also echoed some of the comments from the public. He stated that he had long been advocating for two stop signs to be added on Eton at Hazel. He explained the Police Department did not pursue his recommendations regarding the matter despite his previous appeals. He emphasized the dangerousness of the intersection of Eton and Hazel, and said installing the two stop signs he recommended would vastly improve traffic and pedestrian safety.

## Motion by Ms. Whipple-Boyce

Seconded by Mr. Emerine to recommend approval to the City Commission of the Final Site Plan & Design Review for 501 S. Eton — Whistle Stop — with the following conditions:

- 1. The Planning Board approves the proposed 67% glazing on the storefront façade;
- 2. The applicant must submit specification sheets for the proposed roll down garage doors showing a VLT of 80%;
- 3. The applicant must submit a Certified Land Survey and Existing Conditions Plan prior to the Public Hearing at the City Commission;
- 4. The applicant must work with the Planning and Engineering Departments to reduce the amount of concrete proposed and improve the streetscape as suggested by the Board for administrative approval;
- 5. The applicant must replace the existing tinted windows with clear glass; and,
- 6. The applicant must comply with the requests of all City Departments.

## **Public Comment**

Mr. Schmier asked that the public comments provided during the item's discussion be included in the documentation sent to the Commission to demonstrate the shared concerns of both Eton One and Eton Two.

Chair Clein confirmed that would occur.

## Motion carried, 6-1.

**ROLL CALL VOTE** 

Yeas: Whipple-Boyce, Emerine, Williams, Clein, Share, Koseck

Nays: Jeffares

## Motion by Ms. Whipple-Boyce

Seconded by Mr. Emerine to recommend approval to the City Commission of the Special Land Use Permit for 501 S. Eton — Whistle Stop — subject to the conditions of Final Site Plan & Design Review approval.

## Motion carried, 6-1.

**ROLL CALL VOTE** 

Yeas: Whipple-Boyce, Emerine, Williams, Clein, Share, Koseck

Nays: Jeffares

06-078-21

## F. Study Session Items

1. Public Hearing - Solar Panel Regulations

PD Ecker reviewed the item.

Mr. Koseck said he was uncomfortable moving the ordinance language forward given that they had not spoken with a third-party expert like they had done for glazing.

Chair Clein noted that in formulating the recommended changes staff had reviewed solar panel ordinances from municipalities across the country. He expressed support for the recommended changes.

## Motion by Mr. Williams

Seconded by Mr. Share to recommend to the City Commission amendments to Section 4.09 of the Zoning Ordinance to remove roof-mounted solar electric systems from that section and to also amend Section 4.88, regarding alternative energy, to add amended solar energy system requirements and to reorganize the wind energy requirements without changing them.

## Motion carried, 7-0.





# **Special Land Use Permit Application - Bistro Planning Division**

1. Applicant Name: Elda Xhomaqi	Property Owner
Address: 2415 Warwick Drive Troy, MI 48084	Name: Whistle Stop Diner
Address: 2410 Wallwick Drive Troy, Wil 40004	Address: 2415 Warwick Drive Troy, MI 48084
Phone Number:	Phone Number: 248-635-2554
Fax Number: 248-635-2554	Fax Number:
Email Address: vali2@ymail.com	Fax Number:
2. Applicant's Attorney/Contact Person Name: Address:	Project Designer/Developer
Phone Number:	Phone Number: 586-321-7727
Fax Number:	Fax Number:
Email Address:	Email Address: jawanmatti@gmail.com
3. Required Attachments	
Warranty Deed with legal description of property	Completed Checklist
• Floor Plan of Bistro Operation	Certified Land Survey
Proof of ability to finance the proposed project	Signed Contract
Required fee (see Fee Schedule for applicable amount)	<ul> <li>Fifteen (15) folded copies of plans including color elevations</li> </ul>
Photographs of existing site and buildings	showing all materials and an itemized list of all changes for
• Samples and/or specification sheets of all materials to be used	which approval is requested with the changes marked in color
<ul> <li>Landscape Plan showing all existing and proposed elements</li> <li>Catalog sheets for all proposed lighting &amp; outdoor furniture</li> </ul>	<ul> <li>One (1) additional set of plans mounted on a foam board,</li> </ul>
Catalog sheets for all proposed righting & outdoor furniture	including a color rendering of each elevation
4. Project Information	
Address/Location of Property: 501 South Eton Street	Name of Historic District site is in, if any: N/A  Date of HDC Approval, if any: N/A
Name of Bistro:	Date of Application for Preliminary Site Plan:
Name of Bistro:	Date of Preliminary Site Plan Approval:
Current Use: Restaurant (Assembly A-2)	Date of Application for Final Site Plan:
Proposed Use: Restaurant (Assembly A-2)	Date of Final Site Plan Approval:
Area in Acres: .26 acres - 11,311.75 sq. ft.	Date of Revised Final Site Plan Approval:
Current Zoning: MX (Mixed-Use)	Date of Final Site Plan Approval:
Zoning of Adjacent Properties:	Date of DRB approval, if any:
Is there a current SLUP in effect for this site?: No	Date of Last SLUP Amendment:
5. Details of the Nature of Work Proposed (Site plan &	design elements)

o. Buildings and Structures existing on site	
Number of Buildings on site: 1 Height of Building & # of stories: 14' existing /1 16' proposed/1	Use of Buildings: Restaurant and adjacent space vacant Height of rooftop mechanical equipment: MUA-1 - 77"
7. Floor Use and Area (in square feet)	RTU-1 - 50"
Structures:	
Restaurant Space: 2,553 s.f.	Retail space: 1,175 s.f.
Office space:	Number of Residential Units:
Total floor area:	Rental or Condominium:
8. Bistro Operation	
Number of Indoor Seats: 65	Type of Cuisine: American
Number of Outdoor Seats: 28	Bar Area? Yes
	Number of Seats at bar: 8
Entertainment Proposed: Years of Experience in Birmingham: 9	Years of Experience outside of Birmingham: 10 years
Previous LCC Complaints?	Full Service Kitchen? Yes
Previous LCC Complaints?  Tables provided along street façade:8	Percentage of glazing proposed: added garage doors
Required front setback: 0	Proposed front setback: No change
Required real setback	Proposed rear setback: No change
Required total side setback: 0	Proposed total side setback: No change
9. Outdoor Dining Facility	
Location (sidewalk right-of-way or on-street parking space): Eton Street 3 spaces, Hazel Street 2, and Palmer Street 3 - total 8	Number of tables/chairs: 8 tables and 28 chairs
	Material of tables/chairs: Metal or aluminum
Hours of operation: Mon - Sat, 7 am-3 pm and Sun, 8 am-3 pm	Table umbrellas height and material: 2 umbrellas, 8'-5", sunbrella
Width of unobstructed sidewalk between door and café (5'requied):	
Existing 5'-6"	Screenwall material: Existing brick lot spaces - adjacent to building
Platform proposed: 32'-0" x 14'-2"  Trash receptacles: 1	Enclosure material:
10. Required and Proposed Parking	
Number of parking spaces: 21 spaces	Location of parking spaces: Adjacent to building
Location of off site parking: Eton Street, Hazel Street and Palmer	Shared Parking Agreement?: No
Screenwall material: Existing brick	Height of screenwall: 3'-0"
11. Landscaping	
Location of landscape areas:	Proposed landscape material:
12. Streetscape	
Sidewalk width: 6'-0"	
Number of basels and O	Description of benches or planters:
Number of planters: 0	<del></del>
Number of planters:0 Number of existing street trees: _2	Sanday of aviation at the
Number of proposed street trees: 1	Species of existing street trees:
Streetscape Plan submitted?:	Species of proposed street trees:
•	

## 13. Loading Required number of loading spaces: Proposed number of loading spaces:\_\_\_ Location of loading spaces on the site: 14. Mechanical Equipment **Ground Mounted Mechanical Equipment:** Number of ground mounted units: Location of all gournd mounted units: Size of ground mounted units (LxWxH): Screenwall material: Height of screenwall: Rooftop Mechanical Equipment: Number of rooftop units: 4 Location of all ground mounted units: Type of rooftop units: (1) HVAC, (1) MAU, (2) Condensers Size of rooftop units (LxWxH): Screenwall material: Perforated metal panels - 5'-0" height of screenwall Height of screenwall: Location of screenwalls: East Percentage of rooftop covered by mechanical units: Distance from units to rooftop units to screenwall: 15. Lighting Number of light standards on building: Please see attached photometric Type of light standards on building: Size of light fixtures (LxWxH): Height from grade: Maximum wattage per fixture: Proposed wattage per fixture: Parking lot lighting: \_\_\_\_\_ The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes made to an approved site plan or Special Land Use Permit. The undersigned further states that they have reviewed the procedures and guidelines for site plan review and Special Land Use Permits in Birmingham and have complied with same. The undersigned will be in attendance at the Planning Board meeting when this application will be Nuom 0/ Date: 04/22/2021 1AQL 1AQL 1 102/2021 discussed. Signature of Owner: Signature of Applicant: Print Name: Date: 4/22/2021 Signature of Architect: Jawan Matti Print Name: Office Use Only Application #: \_\_\_\_\_ Date Received: \_\_\_\_\_ Fee: Date of Approval: Date of Denial: Accepted by:

## Required number of loading spaces: Proposed number of loading spaces:\_\_\_\_\_ Location of loading spaces on the site: 14. Mechanical Equipment **Ground Mounted Mechanical Equipment:** Number of ground mounted units: Location of all gournd mounted units: Size of ground mounted units (LxWxH): Screenwall material: Height of screenwall: **Rooftop Mechanical Equipment:** Number of rooftop units: 4 Location of all ground mounted units: Type of rooftop units: (1) HVAC, (1) MAU, (2) Condensers Size of rooftop units (LxWxH): Screenwall material: Perforated metal panels - 5'-0" height of screenwall Height of screenwall: Location of screenwalls: East Percentage of rooftop covered by mechanical units: Distance from units to rooftop units to screenwall: 15. Lighting Number of light standards on building: \_\_\_\_\_ Type of light standards on building: Size of light fixtures (LxWxH): Height from grade: Maximum wattage per fixture: Proposed wattage per fixture: Parking lot lighting: The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes made to an approved site plan or Special Land Use Permit. The undersigned further states that they have reviewed the procedures and guidelines for site plan review and Special Land Use Permits in Birmingham and have complied with same. The undersigned will be in attendance at the Planning Board meeting when this application will be discussed. Signature of Owner: Date: \_\_\_\_\_ Print Name: \_\_\_\_\_ Signature of Applicant: Print Name: Communa Signature of Architect: Date: 4/22/2021 Jawan Matti Print Name: Office Use Only Application #:\_\_\_\_\_ Date Received:\_\_\_\_\_ Fee: Date of Approval: Date of Denial: Accepted by:

13. Loading

## CONTRACT FOR A PRINCIPAL SHOPPING DISTRICT LIQUOR LICENSE (BISTRO)

This Contract is entered	into this	day of		, 20	, by and	between
		whose add	ress is	<u></u>		
(Licensee) and the CITY	<b>OF BIRI</b>	MINGHAM, a	ı Michiga	n Municipal	Corporation	ı, whose
address is 151 Martin Stre	eet, Birmi	naham, Michi	aan 4801	2 (Citv).	•	•

## RECITALS:

**WHEREAS**, Licensee wishes to obtain a liquor license pursuant to MCLA 436.1521a(1)(b); and

**WHEREAS**, local legislative approval is required by the **CITY OF BIRMINGHAM** for the issuance of a liquor license pursuant to MCLA §436.152a(1)(b) of the Michigan Liquor Control Code of 1998; and

**WHEREAS**, Licensee desires to enter into this Contract as an inducement to the **CITY OF BIRMINGHAM** to approve the request of the aforementioned issuance of the liquor license; and,

**WHEREAS**, the **CITY OF BIRMINGHAM** is relying upon this Contract in giving its approval to the issuance of the on-premises licenses as described herein.

## **NOW, THEREFORE**, the parties agree as follows:

- 1. Licensee shall be permitted to obtain a liquor license for use solely at the Property. Any transfer of the aforementioned license from the Property to any other location in the CITY OF BIRMINGHAM shall require the approval of the Birmingham City Commission in accordance with Section 10-83. In addition, any expansion of the building location at the Property shall also require the approval of the Birmingham City Commission.
- 2. Licensee does hereby agree that it shall establish a bistro, as defined in Birmingham City Code Chapter 126, Zoning, Article 9, section 9.02, at the Property within 18 months from the date of Special Land Use Permit approval granted by the Birmingham City Commission. Licensee agrees that the bistro must be open and fully operational within this time period, or approval of the Special Land Use Permit will automatically be revoked by the City.
- 3. Licensee further acknowledges that it must secure a special land use permit for a bistro as required by the Birmingham City Code. It is further agreed that it shall comply with all provisions of the special land use permit, or any amendments thereto, as a condition of this contract. Licensee further acknowledges and agrees that a violation of any provision of the special land use permit or the Michigan Liquor Control Code is a

violation of the terms of the contract entitling the City to exercise any or all of the remedies provided herein.

- 4. Licensee acknowledges that no modifications to the site plan, floor plan, elevations or operation of the bistro may be made unless approved by the City Commission through a Special Land Use Permit Amendment as required in the Zoning Ordinance. Modifications include, but are not limited to, name changes, ownership changes, remodeling, changes in the number of interior or exterior seats, the use of eisenglass and other enclosure materials on any outdoor dining area, relocation or addition of bar, etc.
- 5. Licensee acknowledges that it shall have a duty of continuing compliance with regards to off-street parking as required in the Zoning Ordinance, and further agrees to resolve any future parking issues that may arise, including but not limited to parking overflow and encroachment into residential areas or public parking facilities, to the satisfaction of the City or the Special Land Use Permit may be cancelled by the City Commission.
- 6. License further acknowledges that outdoor dining is seasonally permitted from April 1st through November 15<sup>th</sup> only, with a valid Outdoor Dining Permit. The use of an enclosure system(s) does not allow the outdoor dining season to be extended.
- 7. Licensee further agrees that it shall not apply or seek from the Michigan Liquor Control Commission any permit endorsements to its liquor license whether available in the current Michigan Liquor Control Code or in future Michigan Liquor Control Codes, or amendments thereto, without the prior approval of the Birmingham City Commission.
- 8. Licensee further agrees that it shall not seek any change in its license status/class whether such changes are available now in the current Michigan Liquor Control Code or in future Michigan Liquor Control Codes, or amendments thereto, without prior approval of the Birmingham City Commission.
- 9. Licensee agrees that it shall adhere to all Federal, State and Local laws currently in effect or as subsequently amended or enacted.
- 10. Licensee agrees that its failure to follow any of the provisions herein shall be grounds for the Michigan Liquor Control Commission to suspend, revoke or not renew its liquor license and/or for the Birmingham City Commission to revoke the special land use permit, either of which would prohibit Licensee from operating the bistro. Licensee agrees that in addition to the City of Birmingham's right to seek suspension, revocation or non-renewal of its liquor license and/or revocation of the special land use permit, the City retains any and all rights to enforce this Contract that may be available to it in law or in equity. Licensee further agrees that it shall reimburse the City all of its costs and actual attorney fees incurred by the City in seeking the suspension, revocation or non-renewal of its liquor license and revocation of the special land use

permit, as well as enforcing such other rights as may be available at law and/or in equity.

- 11. To the fullest extent permitted by law, Licensee and any entity or person for whom Licensee is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City, its elected and appointed officials, employees and volunteers and others working on behalf of the City against any and all claims, demands, suits, or loss, including all costs connected therewith, including all costs and actual attorney fees, and for any damages which may be asserted, claimed or recovered against or from the City, its elected and appointed officials, employees, volunteers or others working on behalf of the City, by reason of personal injury, including bodily injury, death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with Licensee's operation of a bistro at the Property.
- 12. In the event Licensee fails to reimburse the City the costs and/or attorney fees as required herein, or any part thereof, then said amount could be transferred to the tax roll in accordance with Section 1-14 of the Birmingham City Code.
- 13. Any disputes arising under this Contract, not within the jurisdiction of the Michigan Liquor Control Commission, shall be settled either by commencement of a suit in Oakland County Circuit Court or by compulsory arbitration, at the election of the City. The Licensee shall notify the City of any dispute it has arising out of this Contract and shall demand that the City elect whether the dispute is to be resolved by submitting it to compulsory arbitration or by commencement of a suit in Oakland County Circuit Court. The City shall make its election in writing within thirty (30) days from the receipt of such notice. If the City elects to have the dispute resolved by compulsory arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan, with each of the parties appointing one arbitrator and the two thus appointed appointing a third. In the event the City fails to make such an election, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court.
- 14. This Contract shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan.
- 15. If any provision of this contract is declared invalid, illegal or unenforceable, such provision shall be severed from this contract and all other provisions shall remain in full force and effect.
- 16. This Contract shall be binding upon and apply and inure to the benefit of the parties hereto and their respective successors or assigns. The covenants, conditions, and the agreements herein contained are hereby declared binding on the CITY OF BIRMINGHAM and Licensee. It is further agreed that there shall be no change, modification, or alteration hereof, except in writing, signed by both of the parties

hereto. Neither party shall assign any of the rights under this contract without prior approval, in writing, of the other. Any attempt at assignment without prior written consent shall be void and of no effect.

<b>IN WITNESS WHEREOF</b> , the parties date set forth above.	hereby have executed this Contract as of the By:
	Its:
	Date:
	CITY OF BIRMINGHAM
	By: Pierre Boutros, Mayor
	Date:
	By:
	Alexandria Bingham, City Clerk
	Date:





280 N. Old Woodward Suite 12 Birmingham, MI 48009

> 248.385.3112 248.835.2068 888.450.1682

jphowe\_jphowe.com www.jphowe.com

April 23, 2021

VIA HAND DELIVERY

Ms. Jana Ecker Planning Director City of Birmingham 151 Martin St. Birmingham, MI 48009

Re: Special Land Use Permit Application to Operate a Bistro

**Applicant:** Whistle Stop Diner, Inc.

Address: 501 S. Eton St., Birmingham MI 48009

Dear Ms. Ecker,

On behalf of Whistle Stop Diner, Inc. we hereby submit a Special Land Use Application for our client to convert its existing restaurant at 501 S. Eton Rd. into a "Bistro" (as defined in the Birmingham City Code). The Birmingham City Commission unanimously authorized Whistle Stop Diner to move forward with a formal Bistro Application on October 26, 2020. Our Client is applying to the Michigan Liquor Control Commission to transfer an existing Oakland County Class C liquor license to its restaurant; and simultaneous to this filing, we are filing a City of Birmingham Liquor License Application with the Birmingham Police Department.

A fully executed Special Land Use Permit Application and check payable to the City of Birmingham in the amount of \$2,800 to cover the application fee are enclosed herewith. We will be supplementing this filing with various architectural drawings, and a letter outlining: (i) our Client's concept for the Bistro, (ii) why our Client meets the standards for approving a Special Land Use Permit to operate a Bistro as set forth in Section 126, Article 7 of the Birmingham Zoning Ordinance, and (iii) why our Client meets the liquor license approval conditions set forth in the Birmingham City Code.

We would appreciate you initiating your review of this application, and placing this request on the next available Planning Board agenda. Thank you for your attention to this matter.

Very truly yours,

JPHOWE, PLLC

J. Patrick Howe

Enclosure

## **SURVEY TECH**

## CIVIL ENGINEERING LAND SURVEYING

## **PROPOSAL**

06-02-2021

Valter Xhomaqi 501 S Eton St. Birmingham, MI 48009

RE: 501 S Eton St

Birmingham, MI 48009

This proposal serves as a contract between the client, hereby referred to as Valter Xhomaqi, and Survey Tech, L.L.C to perform work agreed upon herein. Survey Tech agrees to provide the following:

Topographic Survey.

## Time of completion:

The above referenced project will be completed as follows:

Topographic Survey

3 Weeks after authorization

Signed: \_\_\_\_\_\_Accepted by: \_\_\_\_\_\_
Maher Faik Date:

3253 Lynhurst Ct., Oakland, MI 48306 Ph. (248) 670-6556 E-mail: surveyland@att.net





Table of Performance Values'												
Glass Th	ickness	1	Transmittance	2	Reflec	tance <sup>2</sup>	U-Value⁴	U-Value⁴(Imperial) _			Solar Heat	Light to
Inches	mm	Ultra- violet %	Visible %	Total Solar Energy %	Visible Light %	Total Solar Energy %	Winter Night- time	Summer Day- time	European U-Value	Shading Coefficient <sup>6</sup>	Gain Coefficient <sup>7</sup>	Solar Gain (LSG) <sup>8</sup>
Uncoated												
STARPHIRE® Gla	<b>ss</b> 3	89	91	90	8	8	1.04	0.94	5.83	1.04	0.91	1.00
3/16	5	88	91	90	8	8	1.04	0.94	5.78	1.04	0.91	1.00
1/4	6	87	91	89	8	8	1.02	0.93	5.75	1.03	0.90	1.01
5/16	8	86	91	88	8	8	1.01	0.91	5.68	1.02	0.89	1.02
3/8	10	85	91	87	8	8	1.00	0.91	5.63	1.02	0.89	1.02
1/2 5/8	12 16	83 81	90	86 84	<u>8</u> 8	8	0.98 0.97	0.89	5.53 5.43	1.01	0.88 0.87	1.03
3/4	19	80	90	83	8	7	0.95	0.86	5.34	0.99	0.87	1.03
CLEAR Glass												
3/32	2.5	77	90	85	9	9	1.04	0.94	5.87	1.00	0.87	1.03
1/8	3	73	90	83	9	8	1.04	0.94	5.83	0.98	0.85	1.06
5/32 3/16	<u>4</u> 5	71 69	90	81 79	9	8 7	1.04	0.93	5.81 5.78	0.97 0.96	0.84 0.83	1.07
1/4	6	66	89	77	9	7	1.03	0.93	5.75	0.96	0.83	1.10
5/16	8	61	88	72	8	7	1.01	0.91	5.68	0.90	0.77	1.14
3/8	10	58	87	69	8	7	1.00	0.91	5.63	0.88	0.76	1.15
1/2	12	53	85	64	8	6	0.98	0.89	5.53	0.84	0.72	1.18
5/8	16 19	48 45	84 82	59 55	<u>8</u> 8	6	0.97 0.95	0.87 0.86	5.43 5.34	0.80 0.77	0.69 0.67	1.22
OPTIBLUE ™ Glas		40	02	33	0	U	0.93	0.80	3.34	0.77	0.67	1.22
1/4 SOLEXIA™ Glass	6	44	64	64	6	6	1.02	0.93	5.75	0.84	0.72	0.89
1/8	3	43	83	60	8	6	1.04	0.94	5.83	0.81	0.70	1.19
5/32	4	39	81	56	8	6	1.04	0.93	5.81	0.78	0.67	1.21
3/16	5	35	79	52	8	6	1.03	0.93	5.78	0.75	0.65	1.22
1/4	6	31	77	47	8	6	1.02	0.93	5.75	0.71	0.61	1.26
ATLANTICA™ Gla	3	28	77	48	8	6	1.04	0.94	5.83	0.72	0.62	1.24
5/32	4	24	74	44	7	5	1.04	0.93	5.81	0.68	0.56	1.25
3/16	5	20	71	39	7	5	1.03	0.93	5.78	0.65	0.56	1.27
1/4	6	16	67	34	7	5	1.02	0.93	5.75	0.61	0.52	1.28
CARIBIA® Glass	3	36	77	46	7	6	1.04	0.94	5.83	0.70	0.60	1.28
3/16	5	28	71	37	7	5	1.03	0.93	5.78	0.63	0.54	1.31
1/4	6	24	68	32	7	5	1.02	0.93	5.75	0.60	0.52	1.32
AZURIA™ Glass												
1/8	3	53	77 75	45	7	6	1.04	0.94	5.83	0.69	0.59	1.30
5/32 3/16	<u>4</u> 5	50 46	75	40 36	7	5 5	1.04	0.93	5.81 5.78	0.66 0.62	0.56 0.53	1.34
1/4	6	42	68	32	7	5	1.02	0.93	5.75	0.59	0.53	1.34
5/16	8	35	61	26	6	5	1.01	0.91	5.68	0.55	0.47	1.29
3/8	10	31	57	23	6	5	1.00	0.91	5.63	0.53	0.46	1.25
SOLARBRONZE®		20	67	6.4	7	c	1 0 4	0.04	E O O	0.00	0.70	0.00
1/8 5/32	3 4	39 35	67 63	64 60	7	6	1.04 1.04	0.94	5.83 5.81	0.88 0.81	0.76 0.70	0.88
3/16	5	30	58	55	6	6	1.04	0.93	5.78	0.81	0.70	0.90
1/4	6	26	53	50	6	6	1.02	0.93	5.75	0.73	0.63	0.84
5/16	8	18	43	39	6	5	1.01	0.91	5.68	0.65	0.56	0.77
3/8	10	14	37	34	5	5	1.00	0.91	5.63	0.61	0.52	0.71
1/2 SOLARGRAY® GIZ	12	9	27	24	5	5	0.98	0.89	5.53	0.54	0.46	0.58
1/8	3	37	60	58	6	6	1.04	0.94	5.83	0.79	0.68	0.88
5/32	4	33	56	53	6	6	1.04	0.93	5.81	0.75	0.65	0.87
3/16	5	29	50	48	6	5	1.03	0.93	5.78	0.71	0.61	0.82
1/4	6	24	44	42	6	5	1.02	0.93	5.75	0.67	0.58	0.76
5/16 3/8	8 10	17 13	33 28	31 26	5 5	5 5	1.01	0.91	5.68 5.63	0.59 0.55	0.51 0.47	0.65
1/2	12	8	18	17	5	5	0.98	0.89	5.53	0.55	0.47	0.59
OPTIGRAY® 23 G							2.50					
1/8	3	18	41	36	6	5	1.04	0.94	5.83	0.67	0.58	0.71
1/4	6	8	23	19	5	5	1.02	0.93	5.75	0.50	0.43	0.53
GRAYLITE® Glass	3	17	30	43	5	5	1.04	0.94	5.83	0.68	0.58	0.52
1/8	6	7	14	26	5	5	1.04	0.94	5.83	0.68	0.58	0.30
1/7		_ /	1 17				1.02	1 0.50	0.70	<b>.</b>	U.T/	0.00



	Table of Performance Values' <sup>1</sup>												
	Glass Th	ickness	1	Γransmittance	2	Reflec	tance <sup>2</sup>	U-Value⁴	(Imperial)			Solar Heat	Light to
Inch	es	mm	Ultra- violet %	Visible %	Total Solar Energy %	Visible Light %	Total Solar Energy %	Winter Night- time	Summer Day- time	European U-Value⁵	Shading Coefficient <sup>6</sup>	Gain Coefficient <sup>7</sup>	Solar Gain (LSG) <sup>8</sup>
Coated	-												
		AZURIA™ Glass											
1/		6	35	52	26	19	10	1.02	0.92	5.73	0.52	0.45	1.16
5/1	_	8	29	47	20	16	9	1.01	0.91	5.66	0.49	0.42	1.10
		CARIBIA® Glass				10		1.00				0.45	
1/		6	20	52	26	19	9	1.02	0.92	5.73	0.53	0.45	1.15
5/1	_	8	14	46	20	16	8	1.01	0.91	5.66	0.49	0.42	1.09
		SOLARGRAY® Glass		2.4	25	1.1	0	1.00	0.00	F 70	0.60	0.50	0.65
5/1		6 8	20 14	34 26	35 26	11 8	8 7	1.02	0.92	5.73 5.66	0.60 0.54	0.52 0.46	0.65 0.55
		_	14	26	26	ð	/	1.01	0.91	5.66	0.54	0.46	0.55
SULARU 1/		SOLEXIA™ Glass	9	30	23	37	30	1.03	0.93	5.75	0.43	0.37	0.80
	-	SOLEXIA™ Glass	9	30	23	37	30	1.03	0.93	5.75	0.43	0.57	0.60
JULARU 1/		6	9	30	23	23	12	1.03	0.93	5.78	0.50	0.43	0.69
	_	CARIBIA® Glass	J	30	23	23	12	1.05	0.55	5.76	0.50	0.45	0.03
1/		6	7	26	14	36	30	1.03	0.93	5.75	0.36	0.31	0.83
		CARIBIA® Glass	·	20		- 00	0.0	1100	0.50	017 0	0.00	0.01	0.00
1/		6	7	26	14	19	9	1.03	0.93	5.78	0.44	0.38	0.68
SOLARO	COOL® (1)	AZURIA™ Glass											
3/1	16	5	13	27	16	36	30	1.03	0.93	5.78	0.37	0.32	0.85
1/	/4	6	12	26	14	36	30	1.03	0.93	5.75	0.36	0.30	0.86
SOLARO	COOL® (2)	AZURIA™ Glass											
3/1	16	5	13	27	16	36	10	1.04	0.94	5.81	0.45	0.38	0.72
1/	_	6	12	26	14	19	10	1.03	0.93	5.78	0.44	0.37	0.70
		Bronze Glass											
5/3		4	10	24	33	36	30	1.04	0.93	5.81	0.51	0.44	0.55
1/	_	6	7	21	27	36	30	1.03	0.93	5.75	0.46	0.40	0.52
		Bronze Glass											
5/3		4	10	24	33	17	14	1.04	0.94	5.84	0.57	0.49	0.50
1/	-	6	7	21	27	13	11	1.03	0.93	5.78	0.53	0.46	0.45
		Gray Glass	7	1.7	22	26	20	1.00	0.03	F 7F	0.42	0.27	0.46
20/400		6	7	17	23	36	30	1.03	0.93	5.75	0.43	0.37	0.46
SOLARU 1/		Gray Glass	7	17	22	11	9	1.02	0.03	F 70	0 F 1	0.42	0.40
	-	6 GRAYLITE® Glass	/	1/	23	11	9	1.03	0.93	5.78	0.51	0.43	0.40
SULARU 1/		6	2	5	16	36	30	1.03	0.93	5.75	0.37	0.32	0.17
	_	GRAYLITE® Glass	۷	J J	10	30	30	1.03	0.93	5.75	0.37	0.32	0.17
SULARU 1/		6	2	5	16	5	6	1.03	0.93	5.78	0.46	0.40	0.13
1/	-	U			10	J	U	1.03	0.55	5.76	0.40	0.40	0.13

- \* Performance data is based on representative samples of factory production. Actual values may vary slightly due to variations in the production process.
- Figures may vary due to manufacturing tolerances. All tabulated data is based on NFRC methodology using the LBNL's Window 5.2 software.
- Transmittance and reflectance values based on spectrophotometric measurements and energy distribution of solar radiation.
- 3. Solar infrared transmittance between 800 and 2150 nm (Parry Moon AM 2 irradiance).
- 3. Solar Immated transmittance between 800 and 2/30 lml (artly Mior) AM 2 Imadiately.
  4. U-value is the overall coefficient of heat transmittance or heat flow measured in BTU/hr.
   ft²• °F. Lower U-values indicate better insulating performance. Winter nighttime U-values are calculated using an outdoor air temperature of 0°F (-17.8°C), indoor air temperature of of 70°F (21°C), outdoor air velocity of 15 mph (6.7 m/s), indoor air velocity of 0 mph (0 m/s) and a solar intensity of 0 BTU/hour/square foot (0 w/m²). Summer daytime U-values are calculated using an outdoor air temperature of 89°F (32°C), indoor air temperature of 75°F (24°C), outdoor air velocity of 7.5 mph (3.4 m/s), indoor air velocity of 0 mph (0 m/s), and a solar intensity of 248 BTU/hour/square foot (783 w/m²).
- European U-Value is the overall coefficient of heat transmittance or heat flow measured in Watts/m² • °C, and is calculated using WinDat WIS version 3.0.1 software.
- 6. Shading Coefficient is the ratio of the total amount of solar energy that passes through a glass relative to 1/8-in. (3.0 mm) thick clear glass under the same design conditions. It includes both solar energy transmitted directly plus any absorbed solar energy reradiated and converted. Lower shading coefficient values indicate better performance in reducing summer heat gain. Shading coefficients at outdoor air temperature of 89°F (32°C), outdoor air velocity of 7.5 mph (3.4 m/s), indoor air temperature of 75°F (24°C), indoor air velocity of 0 mph (0 m/s) and solar intensity of 248 BTU /hour/square foot (783 w/m2).
- Solar Heat Gain Coefficient (SHGC) represents the solar heat gain through the glass relative to the incident solar radiation. It is equal to 86% of the shading coefficient.
- Light to Solar Gain (LSG) ratio is the ratio of visible light transmittance to solar heat oain coefficient.



One-inch insulating glass data and comparisons can be found at www.ppgideascapes.com or by calling the PPG Solutions Hotline at 1-888-774-4332.

For data on: Solargreen® Glass — see Atlantica™ Glass Solex® Glass — see Solexia™ Glass Azurlite® Glass — see Azuria™ Glass

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Idea Scapes

Printed in U.S.A. 7083 4/08 10M

Darwin #522 Designer: Lucidi / Pevere



23 A/White



24 A/Black 37 A/Moss Grey LIMITED



Special Order Ship Finishes:

A/Cement







22 A/Iron 41 A/Bronze 75 A/Dark Green

## **DETAILS**





SH AHLbs 30.5" 23.5" 21.5" 18" 27" 12.5

Download Collection Brochure **HERE** 

Outdoor/Indoor Stacking Armchair

E-coated powder coat finish

Tubular Steel Frame:

Seat/Back: Extended Steel Mesh

Stackability: 8

## **SHIPPING**

Master Pack Quantity: 4

Master Pack Dimensions: 36"x28"x25"

Master Pack Weight: 61 Lbs.

Master Cartons/Pallet: 6

Freight Class: 150

PA 17042 FOB:

emuamericas LLC T:(800) 726-0368 emuamericas.com



Darwin #521 Designer: Lucidi / Pevere



23 A/White







Special Order Ship Finishes:







22 A/Iron 41 A/Bronze 75 A/Dark Green

## **DETAILS**





Н SH Lbs 30.5" 21" 21.5" 18" 10.5

Download Collection Brochure **HERE** 

Outdoor/Indoor Stacking Side Chair

E-coated powder coat finish

Steel Frame:

Seat/Back: Extended Steel Mesh

Stackability: 8

## **SHIPPING**

Master Pack Quantity: 4

Master Pack Dimensions: 22"x27.5"x36"

Master Pack Weight: 52 Lbs.

Density: 4.13

Freight Class: 150

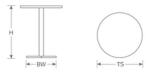
PA 17042 FOB:

emuamericas LLC T:(800) 726-0368 emuamericas.com



Darwin #848 Designer: Lucidi / Pevere

## **DETAILS**



Η TS Lbs 29" 24" Dia" 26

Download Collection Brochure **HERE** 

Outdoor/Indoor Tilt Top Nesting Table

E-Coated powder coat finish

Top Thickness: 3/4"

Top: Solid Steel

Base: Solid Steel

Assembly Required: Yes

SHIPPING

Master Pack Quantity: 1

Master Pack Dimensions: 6.5"x25"x25"

Master Pack Weight: 30 Lbs.

PA 17042 FOB:



Quick Ship Finishes: 23 A/White 24 A/Black petial Order Ship Finishes:

















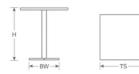






Darwin #529 Designer: Lucidi / Pevere

## **DETAILS**



Н BWTS Lbs 29" 32" Sq" 20" 35

Download Collection Brochure **HERE** 

Outdoor/Indoor Tilt Top Nesting Table

E-Coated powder coat finish

Top Thickness: 3/4"

Top: Solid Steel

Base: Solid Steel

Assembly Required: Yes

## **SHIPPING**

Master Pack Quantity: 1

Master Pack Dimensions: 33"x5"x33"

Master Pack Weight: 40 Lbs.

Master Cartons/Pallet: 15

Freight Class: 70

FOB: PA 17042





Special Order Ship Finishes:















emuamericas LLC

T:(800) 726-0368 emuamericas.com



## ocean master classic

The Ocean Master Classic market style parasol is the culmination of durable engineering, stylish profiles and functional shade design. Manufactured to marine specifications, all Ocean Master parasols feature 100% replaceable parts for easy service and a 15/5-year warranty. Classic beauty. Classic TUUCI.



#### finish options

#### standard

#### powder coat

textured briaht white











#### shapes & sizes



 square

 ft.
 /
 m.

 5.5'
 /
 1.65

 6.5'
 /
 2.0

 7.5'
 /
 2.25

 \*8.5'
 /
 2.6



ft. / m.
6.0' / 1.8
7.5' / 2.25
\*9.0' / 2.75
\*10.5' / 3.2
\*11.5' / 3.6



hexagon ft. / m. 7.0' / 2.15 \*8.5' / 2.6 \*10.0' / 3.0 \*11.0' / 3.4



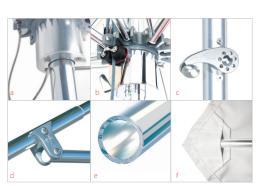
rectangle ft. / m. 5'x8' / 1.5 x 2.45 \*6'x9' / 1.8 x 2.75 rectangle

rectangle auto-scope ft. / m. \*8' x 12' / 2.45 x 3.65

## finial options







#### features:

- a. Manual Lift w/ Stainless Steel Security Pin
- b. "Auto-Loc" Marine Pulley Lift System
- c. "Easy Drive" Crank Lift System
- d. Reinforced Strut Joints Construction
- e. Armor-Wall Mast
- f. Reinforced Pocket Construction





## City of Birmingham 2020 Bistro License Initial Application

**Applicant**: Whistle Stop Diner (Existing Restaurant)

Address: 501 S. Eton, Birmingham, Michigan 48009

Applicant's Representative: Elda Xhomaqi, Owner

ph. (248) 635-2554

**Applicant's Attorney**: JPHOWE, PLLC / J. Patrick Howe

280 N. Old Woodward Ave., Suite 12, Birmingham, MI 48009

ph. (248) 385-3112

**Applicant's Architect**: Jawan Matti

ph. (586) 321-7727

## **History of Whistle Stop Diner**

It all started in 1965 when the Whistle Stop Diner originally opened. It's name comes from the fact that the Diner is located right next to the old train station where you would hear the "whistle" of the train as it came by every day. Customers would stop in to enjoy a delicious breakfast before boarding the train, or picking up a friend or family member. As the years went by, the restaurant evolved into what it has become today, which is a popular breakfast, brunch and lunch staple in City's bustling rail district. We started working here in 1999. Elda as a waitress and Valter as a cook. In 2012, we were presented with the opportunity to become the owners of the Whistle Stop Diner, and we jumped at it. We have always tried to keep the same loving menu that includes the homemade bread, buttermilk pancakes made from scratch, fresh real turkey, and the delicious desserts. In 2015, we purchased the Whistle Stop Diner in Pleasant Ridge which included a Class C liquor license. That is when we became familiar with the demand for the service of alcoholic beverages. We have developed a plan to completely renovate the

Whistle Stop Diner, which ensures that the restaurant maintains its menu and hours of operation (7:00 AM - 3:00 PM), and offer the alcoholic beverages that are served at our Pleasant Ridge location. We believe that a Bistro license will allow us to meet our customer's demands, and bring the Whistle Stop Diner forward, while maintaining that traditional, family friendly atmosphere everyone has come to love. We are very appreciative of the opportunity to obtain a Bistro License from the City, and we look forward to working with the City to solidify The Whistle Stop Diner as a neighborhood Bistro in the City's rail district for many years to come.

#### **Restaurant Experience**

The Whistle Stop Diner is owned and operated by husband and wife team of Elda and Valter Xhomaqi. They have each worked in the restaurant industry their entire lives, and are hands on, passionate operators. They currently own and operate another Whistle Stop Diner in Pleasant Ridge, Michigan, which holds a Class C liquor license. That establishment has an excellent operating record, and has not received any complaints from the City of Pleasant Ridge, or Michigan Liquor Control Commission. The Xhomaqi family will continue to be the face and the leaders of the reimagined Whistle Stop Diner. They will ensure that the proposed modified operations including the service of alcoholic beverages, are executed in a professional and responsible manner.

#### **Concept for Bistro**

If approved to operate as a Bistro, The Whistle Stop Diner plans to undertake a major renovation of the entire premises, as shown on the floor plan and renderings included herewith. The restaurant will have 57 indoor seats, 8 counter stools for dining, and 26 seats on an outdoor patio in front of the restaurant on City sidewalk. The outdoor patio will be fully enclosed to meet all City and State requirements. All food and beverages will be served by wait staff to seated patrons. While there is a counter area where patrons can be served directly by staff behind the counter, this area will not function as a standard bar area, and patrons will not be served unless seated at a table or counter stool. The restaurant menu is included herewith, and there will be a limited menu of alcoholic beverages available for purchase with meals. It is the applicant's intention for alcoholic beverages to simply be offered as a compliment to its food service, and the diner will not function as a bar. In full compliance with the City of Birmingham Bistro ordinance, the Whistle Stop Dinner will:

- 1. Have 8 counter stools;
- 2. Not have any direct connection additional bar permits;
- 3. Only serve alcoholic beverages to seated patrons;
- 4. Not offering dancing or entertainment of any kind;
- 5. Provide tables along existing windows facing S. Eton; and
- 6. Provide a 26 seat outdoor patio on City sidewalk with enclosures that meet City and State requirements.

#### Statement Regarding Impact Bistro Will Have on Mix of Commercial Uses in Birmingham

The Whistle Stop Diner is a true family friendly restaurant. If converted to a Bistro, the same great food will be offered in an updated setting with outdoor dining. Alcoholic beverages will be served with meals during the hours of 7:00 AM to 3:00 PM seven (7) days per week. Converting the diner into a Bistro will attract additional guests, bring additional activity to the S. Eton corridor with a 26 seat outdoor patio, and increase commercial traffic for other businesses in the rail district.

#### Sample Menu

The Whistle Stop Diner offers a delicious assortment of offerings for breakfast, brunch and lunch. A sample menu is incorporated herein, which provides the limited assortment of alcoholic beverages that would be offered if the diner is converted to a Bistro.

#### **Hours of Operation**

There will be no changes to the operation of the diner if converted to a Bistro. The hours of operation would be:

Monday – Saturday 7:00 AM to 3:00 PM Sunday 8:00 AM to 3:00 PM Outdoor Patio will be open when weather permits from May 1<sup>st</sup> – October 31<sup>st</sup> each year

#### **Renovation Schedule**

The Whistle Stop Diner anticipates being closed for renovations from November 2020 through April 2021.

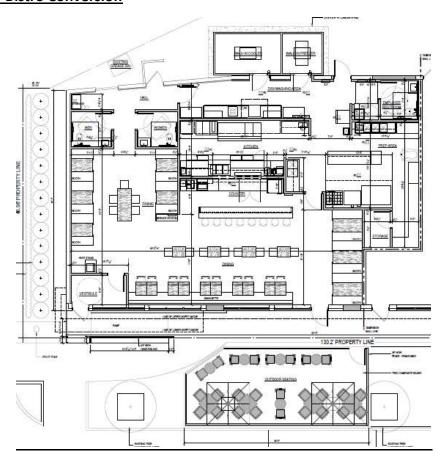
#### Statement Regarding Ability to Finance, Construct & Operate Bistro

The Whistle Stop Diner has an experienced team ready to renovate and convert the existing restaurant into a Bistro serving beer, wine and spirits. All renovations will be funded with cash on hand, and the proposed conversion of The Whistle Stop Diner to a Bistro is not contingent on obtaining financing of any kind. The Whistle Stop Diner has engaged a prominent local architect to assist with the design of the Bistro, and an experienced licensed contractor will be engaged to complete all renovations. With respect to restaurant operations, owners Elda and Valtar Xhomaqi bring a lifetime of experience to the operation of The Whistle Stop Diner, and their very experienced wait staff will ensure that the Bistro is operated in a safe and responsible manner. All employees involved in the sale and service of alcoholic beverages will be required to pass a server training course approved by the Michigan Liquor Control Commission.

#### **Exterior Rendering for Bistro Conversion**



#### Floor Plan for Bistro Conversion



#### Whistle Stop Diner Menu







#### **MEMORANDUM**

**Planning Division** 

DATE: July 26<sup>th</sup>, 2021

TO: Tom Markus, City Manager

FROM: Nicholas Dupuis, City Planner

APPROVED: Jana Ecker, Planning Director

SUBJECT: Public Hearings for Amendments to Section 3.04, 4.90 and 9.02 of

Chapter 126, Zoning – Window and Glazing Standards

#### INTRODUCTION:

The City of Birmingham has engaged in designing ordinances to fulfill the goals of the Downtown Birmingham 2016 Master Plan with regards to encouraging walkability and a healthy retail setting to increase the pedestrian environment and economic vitality of the City. Included in the many ordinances adopted over time has been the recent adoption of ordinances regulating glazing on Birmingham's commercial buildings. Since adoption, City Staff have fielded inquiries from architects, developers, business owners and glass manufacturers about the standards, which have spilled over into several recent Planning Board Hearings (Lincoln Yard, Baldwin Library, Brooklyn Pizza).

The City of Birmingham currently regulates glazing in Article 4, Section 4.90 (A) of the Zoning Ordinance:

- 1. No less than 70% of a storefront/ground floor façade between 1 and 8 feet above grade shall be clear glazing.
- 2. Only Clear Glazing is permitted on storefront facades at the first floor. Lightly tinted glazing above the first floor may be permitted. Mirrored glass is prohibited.
- 3. Required window areas shall be either pedestrian entrances, windows that allow views into retail space, working areas or lobbies. Display windows set into the wall may be approved by the Planning Board.
- 4. Windows shall not be blocked with opaque materials or the back of shelving units or signs.
- 5. The bottom of the window shall be no more than 3 feet above the adjacent exterior grade.

On July 24th, 2017, in order to provide more clarity as to what determines "clear glazing", the City Commission approved the definition of Clear Glazing as follows:

• Glass and other transparent elements of building facades with a minimum visible light transmittance of 80%.

Before the adoption of the Clear Glazing definition, applicants were required to provide glass samples and specification sheets to the Planning Board at Site Plan Review to determine if the type of glass proposed was considered clear to the point that it met the spirit and the intent of

the Ordinance. Applicants are still required to provide samples and specification sheets, but the Clear Glazing definition leaves little variation in the types of glass available to utilize.

As alluded to, there has been some recent pushback by architects and developers citing the challenges they face meeting the energy standards as required by the Michigan Building Code while also meeting the City's Glazing Standards.

#### BACKGROUND:

On November 13<sup>th</sup>, 2019, the Planning Board discussed the potential for ordinance amendments encompassing the Window Standards outlined in Article 3, Section 3.04(E) and Article 4, Section 4.90 of the Zoning Ordinance. The Planning Board directed City Staff to (1) research any possible differences in the Visual Light Transmittance (VLT) figures between different manufacturers and (2), research other cities to determine what VLT figures are used.

On January 8<sup>th</sup>, 2020, the Planning Board discussed the glazing ordinance amendments again, and expressed interest in hearing from more professionals such as a mechanical engineer, a glass vendor or supplier, or a glass contractor or installer. At that time, the Planning Division was unable to find and secure any additional professionals or glass experts to add any new information to the conversation other than the professionals that were already involved up to that point.

On July 22<sup>nd</sup>, 2020, the Planning Board reviewed the proposed ordinance language alongside a glass professional from Guardian Glass, who offered expertise and clarity on the proposed amendments and what is available in the glass world, and what the effect is on energy codes. The Planning Board entertained ideas for including low iron glass to the definition and discussing other items such as shelving and merchandise in windows. Ultimately, the Planning Board directed City Staff to make a few minor changes including eliminating the bronze requirement from Section 3.04 (E)(4), and adding low iron glass and no tint to the definition of clear glazing for final consideration before the public hearing.

On April 14<sup>th</sup>, 2021, the Planning Board motioned to set a public hearing on May 12th, 2021 to amend the glazing standards, which was rescheduled to June 9th, 2021 due to Eid al-Fitr.

On June 9<sup>th</sup>, 2021, the Planning Board motioned to recommend approval to the City Commission amendments to Sections 3.04, 4.90 and 9.02 of the Zoning Ordinance to update the clarity requirements for storefront windows

#### LEGAL REVIEW:

The City Attorney has reviewed the documentation and has no concerns.

#### FISCAL IMPACT:

The proposed amendments do not have any direct fiscal impacts to the City.

#### PUBLIC COMMUNICATIONS:

As required for proposed Zoning Ordinance amendments, a legal ad was placed in a newspaper of local circulation to advertise the proposed amendments to the Zoning Ordinance in advance of the June 9<sup>th</sup>, 2021 Planning Board meeting. In addition, a second legal ad was placed in a newspaper of local circulation to advertise the public hearings at the City Commission.

#### SUMMARY:

The Planning Board recommends that the City Commission consider ordinance amendments to Articles 3, 4 and 9 to amend the Window Standards and requirements for clear glazing.

#### ATTACHMENTS:

- Draft Ordinance language
- Planning Board Staff Reports
- Relevant Minutes

#### SUGGESTED RESOLUTION:

To approve the following amendments to Chapter 126, Zoning:

- 1. Article 3, Section 3.04 (Specific Standards) to amend the Architectural Standards;
- 2. Article 4, Section 4.90 (Window Standards) to amend storefront window requirements;
- 3. Article 9, Section 9.02 (Definitions) to redefine clear glazing and eliminate lightly tinted glazing.

ORDINANCE NO
--------------

#### THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 3, SECTION 3.04(E), ARCHITECTURAL STANDARDS, TO AMEND ARTICLE 4, SECTION 4.90(A), WINDOW STANDARDS, AND TO AMEND ARTICLE 9, SECTION 9.02, DEFINITIONS TO REDFINE CLEAR GLAZING, AND TO ELIMINATE LIGHTLY TINTED GLAZING

#### Article 3, Section 3.04

- E. <u>Architectural standards</u>. All buildings shall be subject to the following physical requirements:
  - 1. ...
  - 2. ...
  - 3. ...
  - 4. Storefronts shall be directly accessible from public sidewalks. Each storefront must have transparent areas, equal to 70% of its portion of the facade, between one and eight feet from the ground. The wood or metal armature (structural elements to support canopies or signage) of such storefronts shall be painted, bronze, or powder-coated.
  - 5. Storefronts shall have mullion systems, with doorways and signage integrally designed. Mullion systems shall be painted, powder-coated, or stained.
  - 6. The glazed area of a facade above the first floor shall not exceed 35% of the total area, with each facade being calculated independently.
  - 7. Clear glazing is required on the first floor. Lightly tinted glazing is permitted on upper floors only storefront facade. Windows shall not be blocked with opaque materials or the back of shelving units or signs.

#### Article 4, Section 4.90 – Window Standards (WN)

- A. <u>Storefront Windows</u>: Ground floor facades shall be designed with storefronts that have windows, doorways and signage, which are integrally designed. The following standards apply:
  - 1. No less than 70% of a storefront/ground floor façade between 1 and 8 feet above grade shall be clear glazing.
  - 2. Only Clear glazing is permitted on storefront facades at the first floor. Lightly tinted glazing above the first floor may be permitted. Mirrored glass is prohibited.
  - 3. Required window areas shall be either pedestrian entrances, windows that allow views into retail space, working areas or lobbies. Display windows set into the wall may be approved by the Planning Board.
  - 4. Windows shall not be blocked with opaque materials or the back of shelving units or signs.
  - 5. The bottom of the window shall be no more than 3 feet above the adjacent exterior grade.

#### Article 9, Section 9.02 - Definitions

Alexandria Bingham, City Clerk

<u> </u>		s of building facades with <b>no tint</b> , a minimur flectivity of 15% or less.
Lightly Tinted Glazing: Glavisible light transmittance	•	elements of building facades with a minimur
ORDAINED this	_ day of	_, 2021 to become effective upon publication
Pierre Boutros, Mayor		



#### MEMORANDUM

Planning Division

**DATE:** June 9<sup>th</sup>, 2021

TO: Jana Ecker, Planning Director

FROM: Nicholas Dupuis, City Planner

SUBJECT: Window Glazing Standards – Public Hearing

On November 13<sup>th</sup>, 2019, the Planning Board discussed the potential for ordinance amendments encompassing the Window Standards outlined in Article 3, Section 3.04(E) and Article 4, Section 4.90 of the Zoning Ordinance. The Planning Board directed City Staff to (1) research any possible differences in the Visual Light Transmittance (VLT) figures between different manufacturers and (2), research other cities to determine what VLT figures are used.

Upon contacting representatives at Guardian Glass, Midwest Glass Fabricators, Michigan Glass Coating, and Service Glass, it was apparent that there is no noticeable difference in glass between manufacturers. That is, all else being equal, a pane of glass with a low-e coating at 68% Visual Light Transmittance from manufacturer X will look the same as the same pane of glass from manufacturer Y. The results may differ based on what type of glass is used in the construction, whether the glass is single pane, double pane or laminated, whether a film is used or not, etc.

Additionally, the research done into the transparency requirements in other communities was confirmed and/or updated. The table below summarizes the confirmed VLT figure present in other Michigan communities, as well as some new figures:

Grand Rapids, MI	70% VLT minimum
Ferndale, MI	60% VLT minimum, 20% Reflectance
Muskegon, MI	70% VLT minimum
West Bloomfield, MI	75% VLT minimum
Rochester Hills, MI	65% VLT minimum
Pontiac, MI	Non reflective, non-tinted
Detroit, MI	70% VLT minimum
Kalamazoo, MI	Clear, non reflective

On January 8th, 2020, the Planning Board discussed the glazing ordinance amendments again, and expressed interest in hearing from more professionals such as a mechanical engineer, a glass vendor or supplier, or a glass contractor or installer. At that time, the Planning Division was unable to find and secure any additional professionals or glass experts to add any new information to the conversation other than the professionals that were already involved up to that point.

On July 22<sup>nd</sup>, 2020, the Planning Board reviewed the proposed ordinance language alongside a glass professional from Guardian Glass, who offered expertise and clarity on the proposed amendments and what is available in the glass world, and what the effect is on energy codes.

The Planning Board entertained ideas for including low iron glass to the definition and discussing other items such as shelving and merchandise in windows. Ultimately, the Planning Board directed City Staff to make a few minor changes including eliminating the bronze requirement from Section 3.04 (E)(4), and adding low iron glass and no tint to the definition of clear glazing for final consideration before the public hearing.

On April 14<sup>th</sup>, 2021, the Planning Board motioned to set a public hearing on May 12<sup>th</sup>, 2021 to amend the glazing standards, which was rescheduled to June 9<sup>th</sup>, 2021 due to Eid al-Fitr.

The following ordinance amendments have been updated to reflect the most recent research.



#### MEMORANDUM

Planning Division

DATE: November 8, 2019

TO: Planning Board Members

FROM: Nicholas Dupuis, City Planner

**Brooks Cowan, City Planner** 

APPROVED: Jana Ecker, Planning Director

SUBJECT: Study Session – Window Glazing Standards

The City of Birmingham has engaged in designing ordinances to fulfill the goals of the Downtown Birmingham 2016 Master Plan with regards to encouraging walkability and a healthy retail setting to increase the pedestrian environment and economic vitality of the City. Included in the many ordinances adopted over time has been the recent adoption of ordinances regulating glazing on Birmingham's commercial buildings. Since adoption, City Staff have fielded inquiries from architects, developers, business owners and glass manufacturers about the standards, which have spilled over into several recent Planning Board Hearings (Lincoln Yard, Baldwin Library, Brooklyn Pizza). The purpose of this memorandum is to present the Planning Divisions findings based on current ordinance, meetings with glass professionals, research into the science behind light and windows, and the conflicts that arise based on different regulations.

The City of Birmingham currently regulates glazing in Article 4, Section 4.90 (A) of the Zoning Ordinance:

- 1. No less than 70% of a storefront/ground floor façade between 1 and 8 feet above grade shall be clear glazing.
- 2. Only Clear Glazing is permitted on storefront facades at the first floor. Lightly tinted glazing above the first floor may be permitted. Mirrored glass is prohibited.
- 3. Required window areas shall be either pedestrian entrances, windows that allow views into retail space, working areas or lobbies. Display windows set into the wall may be approved by the Planning Board.
- 4. Windows shall not be blocked with opaque materials or the back of shelving units or signs.
- 5. The bottom of the window shall be no more than 3 feet above the adjacent exterior grade.

On July 24th, 2017, in order to provide more clarity as to what determines "clear glazing", the City Commission approved the definition of Clear Glazing as follows:

• Glass and other transparent elements of building facades with a minimum visible light transmittance of 80%.

Before the adoption of the Clear Glazing definition, applicants were required to provide glass samples and specification sheets to the Planning Board at Site Plan Review to determine if the

type of glass proposed was considered clear to the point that it met the spirit and the intent of the Ordinance. Applicants are still required to provide samples and specification sheets, but the Clear Glazing definition leaves little variation in the types of glass available to utilize.

As alluded to, there has been some recent pushback by architects and developers citing the challenges they face meeting the energy standards as required by the Michigan Building Code while also meeting the City's Glazing Standards. Perhaps obviously, this is more of an issue for buildings being redeveloped or renovated as opposed to brand new buildings that are able to account for the 80% VLT glass as a part of an entire energy system strategy rather than working around existing conditions. This discussion gained prominence during the selection process for the glass at the Baldwin Library project, and has subsequently spilled over into several site plan reviews. To consider any changes to the current Window Standards, it is helpful to define several glass industry terms:

**Visible Light Transmittance** – The amount of light in the visible portion of the spectrum that passes through a glazing material.

**U-Factor** – A measure of thermal transmittance, through conduction, convection, and radiation; a measurement to quantify overall heat flow.

**R-Value** – The capacity of an insulating material to resist heat flow.

**Solar Heat Gain Coefficient (SHGC)** – The fraction of incident solar radiation admitted through a window, both directly transmitted and absorbed, and subsequently released inward.

**Reflectivity** – The reflecting of varying amounts of light and solar heat, away from a glazing unit/building.

**Absorptance** – Energy that is not transmitted through the glass or reflected off its surfaces.

**Low-E Coatings** – Coatings (sputtered or pyrolytic) that minimizes the amount of ultraviolet and infrared light that can pass through glass without compromising the amount of visible light that is transmitted.

**Window Tinting** – The process performed to glass for the purposes of absorbing a portion of the solar heat and blocking daylight for the purposes of reducing glare and the amount of solar energy transmitted through glass.

**Insulated Glass** – Glass manufactured with trapped air or gas between them, which provides cost saving benefits through controlling heat gain/loss and condensation.

**Laminated Glass** – Glass made of two or more layers of glass with one or more polymeric material layers bonded between the glass layers.

**Safety Glass** - A type of commercial glass specifically designed to withstand blunt force. It is covered with a film or laminate to help hold the glass together and prevent further

damage if it fractures, and the pane will break into many small "crumbs" instead of large shards.

The issue in Birmingham has generally revolved around the Visible Light Transmittance (VLT) value that is controlled through the Zoning Ordinance. As evident by the many different facets of building design and window manufacturing in modern times, the topic appears to be more complicated than simply controlling for VLT. In meeting with glass industry professionals, it became evident that Low-E Coatings (LEC) are very important in the approach to glazing, as LEC's contribute to less heat flow and increasing the R-Value, especially in areas with significant glazing. Utilizing LEC's can help building meet the required U-Factors in the Michigan Building Code.

Because the original intent of the glazing requirements in the Zoning Ordinance was to maintain storefronts that are active with the ability to see into buildings and the activity happening inside of them, the Ordinance was written to achieve those goals. However, according to research and glass professionals, there is another factor to consider when seeking clear glazing, which is reflectivity. Reflectivity becomes especially apparent during low light conditions. The surface on the brighter side acts like a mirror because the amount of light passing through the window from the darker side is less than the amount of light being reflected from the lighter side. This effect can be noticed from the outside during the day and from the inside during the night. This means that during a bright day outside, the reflectivity of a glazing unit may actually make the glass appear less clear. Special coatings, such as LEC's, can reduce this effect.

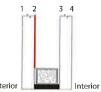
The important correlation between the VLT, LEC and reflectivity of glass is that LEC's reduce the VLT of a glazing unit, but also significantly reduce the reflectivity. In other words, although a LEC can make glass appear darker in reducing the VLT figure, adding the LEC reduces the reflectivity, which actually makes the glazing unit appear clearer. As described above, LEC's also increase R-Values and Reduce the U-factor, so it would appear that allowing LEC's (and subsequently lowering the VLT requirements) may prove beneficial towards both the energy and clarity issues that the City is concerned with. To quantify this concept, two glass samples were obtained by the Planning Division, and the properties are as follows:

	Visible Light Transmittance	Reflectance	U-Factor
Glass #1 (No LEC)	80%	15%	0.47
Glass #2 (LEC)	68%	11%	0.29

In applying the LEC, the glass sample's reflectivity was reduced by 25%, while the u-factor was decreased by almost 40%. With this information, it became evident that the City may benefit from relaxing its VLT standards to allow for LEC's, but in addition, adding regulations regarding the reflectivity of proposed glass. In regulating both, the City may be able to achieve the goals of clear glazing, while also having high performing buildings and reducing the environmental footprint of its developments. The City may also be able to take advantage of this information and readdress the concept of Window Tinting in the ordinance.

The following is an example of how the Ordinance language could read:





#### **Insulating Glass Data**

		-		-0	9 - 15							xterior	Interio
Product	Outboard - Inboard	Appearance	Tra Visible	nsmitta Ultra-	Solar	Re Visible	flectan Visible	Solar	Wi	/alue nter nttime	Relative	Solar Heat Gain	Light to Solar
	Substrate		Light %	violet %	Energy %	Light Out %	Light In %	Energy Out %	Air	Argon	Heat Gain	Co- efficient	Gain (LSG)
SuperNeu	tral		Coatin	g #2 Sur	face - unl	ess noted	l (#3)				6 m	m/12.7 mm a	.s./6 mm
	UltraClear - UltraClear	Ultra Clear	64	8	24	11	13	51	0.29	0.24	65	0.27	2.40
	Clear - Clear	Clear	62	6	23	11	12	39	0.29	0.24	65	0.27	2.31
SNX 62/27	Green - Clear	Green	52	3	18	9	12	10	0.29	0.24	59	0.24	2.13
	CrystalGray - Clear	Light Gray	44	3	16	8	11	19	0.29	0.24	54	0.22	1.98
	Gray - Clear	Gray	31 40	3	12	6	11	19	0.29	0.24	45	0.18	1.71
	CrystalBlue - Clear UltraClear - UltraClear	Blue	53	4	15	7	11	25	0.29	0.24	51	0.21	1.91
	Clear - Clear	Light Blue Light Blue	53 51	14 11	20 19	14	14	46	0.29	0.24	57	0.23	2.28
	Green - Clear	Blue-Green	43	5	15	14 11	14 13	36 10	0.29	0.24	57	0.23	2.19
SuperNeut SNX 62/27 SNX 51/23 SN 68 SN 54 SNR 43 High Perfor	CrystalGray - Clear	Light Gray	36	6	14	9	13	18	0.29 0.29	0.24 0.24	52 48	0.22	1.99
	Gray - Clear	Gray	26	5	10	7	13	17	0.29	0.24	48 41	0.20	1.85
	CrystalBlue - Clear	Blue	33	7	13	9	13	23	0.29	0.24	46	0.16 0.19	1.57 1.78
	UltraClear - UltraClear	Ultra Clear	71	40	37	11	13	43	0.29	0.25	94	0.19	1.80
	Clear - Clear	Clear	68	30	33	11	12	33	0.29	0.25	90	0.38	1.80
SuperNeutri SNX 62/27  SNX 51/23  SN 68  SN 68  SN 54  SNR 43  High Perform Neutral 78/65(#3) Neutral 78/65 Neutral 50 Neutral 40	Green - Clear	Green	57	13	23	9	12	9	0.29	0.25	72	0.30	1.92
	CrystalGray - Clear	Light Gray	48	17	23	8	11	16	0.29	0.25	71	0.30	1.64
	Gray - Clear	Gray	34	13	18	6	11	16	0.29	0.25	61	0.25	1.37
	CrystalBlue - Clear	Blue	44	19	23	7	11	21	0.29	0.25	70	0.29	1.51
	UltraClear - UltraClear	Ultra Clear	56	22	26	13	19	44	0.29	0.24	69	0.29	1.96
	Clear - Clear	Clear	54	16	24	13	18	35	0.29	0.24	68	0.28	1.92
CNEA	Green - Clear	Green	45	7	17	11	18	10	0.29	0.24	58	0.24	1.89
	CrystalGray - Clear	Light Gray	38	9	17	9	18	17	0.29	0.24	56	0.23	1.67
	Gray - Clear	Gray	27	7	13	7	17	16	0.29	0.24	48	0.19	1.40
	CrystalBlue - Clear	Blue	35	10	16	8	17	22	0.29	0.24	54	0.22	1.57
	UltraClear - UltraClear	Light Silver	45	24	21	28	14	54	0.29	0.24	56	0.23	1.96
SNR 43	Clear - Clear	Light Silver	43	17	19	28	14	43	0.29	0.24	56	0.23	1.89
SNR 43	Green - Clear	Green	36	8	14	21	14	14	0.29	0.24	50	0.20	1.78
OTHIC TO	CrystalGray - Clear	Silver Gray	31	9	13	16	14	21	0.29	0.24	47	0.19	1.59
	Gray - Clear	Silver Gray	22	8	10	10	13	19	0.29	0.24	41	0.17	1.31
	CrystalBlue - Clear	Silver Blue	28	11	13	14	13	26	0.29	0.24	46	0.19	1.50
High Perfo													
Neutral 78/65(#3)	UltraClear - UltraClear	Ultra Clear	81	54	66	13	13	23	0.31	0.27	171	0.72	1.12
reduction to you (may	Clear - Clear	Clear	78	39	55	13	13	19	0.31	0.27	156	0.66	1.18
Neutral 78/65	UltraClear - UltraClear	Ultra Clear	81	54	66	13	13	22	0.31	0.27	160	0.68	1.19
SuperNeur SNX 62/27 SNX 51/23 SN 68 SN 54 SNR 43 High Perfor Neutral 78/65(#3) Neutral 78/65 Neutral 40 AG 50 AG 43	Clear - Clear	Clear	78	39	55	13	13	18	0.31	0.27	147	0.62	1.26
Neutral 50	Clear - Clear	Neutral Blue	50	31	32	16	11	20	0.33	0.29	95	0.39	1.27
	Green - Clear	Green	42	13	20	13	10	9	0.33	0.29	68	0.28	1.50
Neutral 40	Clear - Clear	Neutral Gray	40	27	25	21	12	23	0.33	0.29	78	0.32	1.25
SuperNeutri SNX 62/27  SNX 51/23  SN 68  SN 54  SNR 43  High Perform Neutral 78/65(#3) Neutral 78/65 Neutral 50 Neutral 40  AG 50  AG 43  Solar Control	Green - Clear UltraClear - UltraClear	Green	34	11	16	16	12	10	0.33	0.29	59	0.24	1.40
	Clear - Clear	Light Silver	52 50	43 30	33 29	28	19	41	0.30	0.25	86	0.36	1.45
SNR 43 <b>High Perfor</b> Neutral 78/65(#3)  Neutral 78/65  Neutral 50  Neutral 40	Green - Clear	Light Silver Green	42	12	18	27	19	34	0.30	0.25	82	0.34	1.48
AG 50	CrystalGray - Clear	Silver Gray	35	16	20	21 16	18 18	13 18	0.30 0.30	0.25 0.25	61 64	0.25	1.66
	Gray - Clear	Silver Gray	25	12	16	10	18	16	0.30	0.25	57	0.26	1.34
	CrystalBlue - Clear	Silver Blue	32	17	20	14	18	21	0.30		65	0.23	1.08
	UltraClear - UltraClear	Light Silver	45	38	30	30	15	40	0.30	0.25	80	0.27	1.20 1.34
	Clear - Clear	Light Silver	43	26	26	30	15	33	0.30	0.26	76	0.33	1.34
80.40	Green - Clear	Green	36	11	16	22	15	13	0.30	0.26	57	0.23	1.55
AG 43	CrystalGray - Clear	Silver Gray	30	14	18	17	14	18	0.30	0.26	60	0.25	1.23
	Gray - Clear	Silver Gray	21	11	15	11	14	15	0.30	0.26	54	0.23	0.98
	CrystalBlue - Clear	Silver Blue	28	15	18	15	14	20	0.30	0.26	61	0.25	1.10
Solar Conti													
	Clear - Clear	Silver	18	16	14	30	30	26	0.37	0.33	56	0.22	0.81
Silver 20	Green - Clear	Green	15	7	8	23	30	12	0.37	0.33	46	0.18	0.83

<sup>The performance values shown are nominal and subject to variations due to manufacturing tolerances.
Guardian performance data are calculated for center-of-glass only (no spacer or framing) in accordance with the LBNL Window 7 program.
Relative Heat Gain, Solar Heat Gain Coefficient and/or LSG may change slightly when using argon gas fill.
A slight shift in visible light reflectance or transmission may be noticed after heat-treatment.
Guardian reserves the right to change product performance characteristics without notice or obligation.</sup> 

#### **City Glazing/Transparency Requirements**

In the table shown below are the first floor facade transparency and tinting requirements (also referred to as "glazing") for various Michigan municipalities as set forth in their respective zoning ordinances.

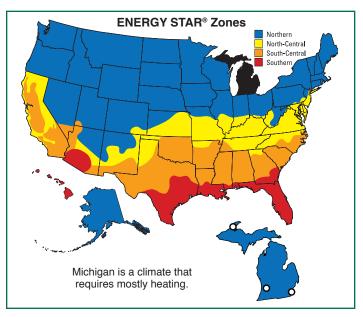
Municipality	Tinting Requirements by City  Transparency Requirement	Tinting Requirement				
		<del> </del>				
City Grand Rapids	Minimum of 60%	Minimum of 70% visible light				
	transparency measured	transmission (VLT)				
	between 2 ft. and 8 ft. on					
	storefront/ground floor					
	facade					
City of Traverse City	70-90% of total	Minimum of 70% VLT				
	storefront/ground floor					
	façade					
City of Ferndale	50% of building façade at	No tinting				
-	street level shall consist of					
	windows					
City of Muskegon	60 – 80% transparency of first	Minimum of 70% VLT				
,	floor storefront/ground floor					
	façade					
West Bloomfield Township	N/A	Minimum of 75% VLT				
Village of Douglas	Minimum of 60%	Minimum of 70% VLT				
	transparency of					
	storefront/ground level					
	façade					
City of Wyoming	60-80% transparency of	Minimum of 70% VLT				
,,	storefront/ground level	IVIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII				
	façade					
City of Pontiac	50% minimum of	No tinting				
City of Politiat		No tinting				
	storefront/ground level					
	façade					

#### Efficient Windows™



## Selecting Energy Efficient Replacement Windows in Michigan

www.efficientwindows.org January 2016



U-factor	SHGC	Air Leakage
Windows: $U \le 0.27$ Windows: $U = 0.28$ Windows: $U = 0.29$ Windows: $U = 0.30$ Skylights: $U \le 0.50$	Windows: Any Windows: SHGC ≥ 0.32 Windows: SHGC ≥ 0.37 Windows: SHGC ≥ 0.42 Skylights: Any	Windows: AL ≤ 0.30 Skylights: AL ≤ 0.30

For superior energy performance, select windows with a U-factor of 0.25 or less. If air conditioning is not a concern, look for a higher Solar Heat Gain Coefficient (SHGC) of 0.35–0.60 so winter solar heat can help offset the heating energy need. If cooling is a significant concern and no shading is available, select windows with a SHGC less than 0.32.

U-factor	SHGC	Air Leakage
Windows: U ≤ 0.30	Windows: SHGC ≤0.40	Windows: AL≤0.30
Skylights: U ≤ 0.53	Skylights: SHGC ≤0.35	Skylights: AL≤ 0.30

The larger your heating bill, the more important a low U-factor becomes. For superior energy performance, select windows with a U-factor of 0.25 or less. A low SHGC value reduces summer cooling demand, but also reduces free winter solar heat gain. If you have significant air conditioning costs or summer overheating issues, look for SHGC values of 0.25 or less.

U-factor	SHGC	Air Leakage
Windows: U ≤ 0.30	Windows: SHGC ≤0.25	Windows: AL≤0.30
Skylights: U ≤ 0.53	Skylights: SHGC ≤0.28	Skylights: AL≤ 0.30

A low U-factor is useful during cold days when heating is needed and is also helpful during hot days when it is important to keep the heat out. Windows with low SHGC values help reduce summer cooling demand. If you have significant air conditioning costs or summer overheating issues, look for SHGC values of 0.25 or less.

U-factor	SHGC	Air Leakage
Windows: U ≤ 0.40	Windows: SHGC ≤0.25	Windows: AL≤0.30
Skylights: U ≤ 0.60	Skylights: SHGC ≤0.28	Skylights: AL≤ 0.30

A low SHGC is the important window property in warm to hot climates. For superior energy performance, select windows with a SHGC of 0.25 or less. A low U-factor is useful during cold days when heating is needed and is also helpful during hot days when it is important to keep the heat out.

#### 1. Meet the Energy Code & Look for the ENERGY STAR®

Windows must comply with your local energy code. Windows that are ENERGY STAR certified often meet or exceed energy code requirements. To verify if specific window energy properties comply with the local code requirements, look for the NFRC label.



#### 2. Look for Efficient Properties on the NFRC Label

The National Fenestration Rating Council (NFRC) label is needed for verification of energy code compliance. The NFRC label displays whole-window energy properties and appears on all fenestration products which are part of the ENERGY STAR program (www.nfrc.org).



#### 3. Compare Annual Energy Costs for a Typical House

Use computer simulations for a typical house to compare the annual energy performance of different window types. A comparison of the performance of a set of windows for this climate begins on Page 3 or use the Window Selection Tool on the EWC web site or the Window Selection Tool Mobile App (www.efficientwindows.org).



#### 4. Customize Energy Use for a Specific House

A simulation program, such as RESFEN, lets you compare window options by calculating performance based on utility rates for your climate, house design, and window design options (windows.lbl.gov/software).



#### **5. Ensure Proper Installation**

Proper window and skylight installation is necessary for optimal performance, to avoid air and water leakage. Always follow manufacturers' installation guidelines and use trained professionals for window and skylight installation



#### January 2016

#### **Benefits of High Performance Windows**

#### **Heating & Cooling Season Savings**

In climates with a significant heating season, standard windows can represent a major source of unwanted heat loss. Low-E coatings, gas fills, and insulating spacers and frames result in a lower U-factor, meaning less winter heat loss. In climates that mainly require cooling, non-energy efficient windows can be a major source of unwanted heat gain. Low-solar-gain low-E coatings can reduce solar heat gain while still providing comfort, daylight and views.

#### Improved Daylight and View

Daylight and view are two fundamental attributes of a window. Low-E coatings can significantly reduce solar heat gain with a minimal loss of light and view.

#### **Improved Comfort**

High performance windows can make a home more comfortable. Cold glass can create uncomfortable drafts as air next to the window is cooled and drops to the floor. Windows with low U-factors will results in higher interior window temperatures in the heating seasons and thus greater comfort. Also, during cooling seasons, strong direct sunlight can create overheating and discomfort. Windows with a low SHGC will reduce the solar radiation (heat) coming through the glass.

#### **Less Condensation**

High performance windows with warm edge technology and insulating frames have a warm interior surface so that condensation on interior surfaces is significantly reduced or eliminated.

#### **Reduced Fading**

Coatings on glass or plastic films within the window or skylight assembly can significantly reduce the ultraviolet (UV) and other solar radiation which causes fading of fabrics and furnishings.

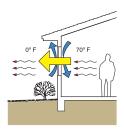
#### **Lower Mechanical Equipment Costs**

Efficient windows reduce annual heating and cooling bills as well as peak heating and cooling loads. Peak loads determine the size of the home's furnace, heat pump, air conditioner, and fans. Reducing peak load may allow homeowners to install a smaller heating or cooling system.

#### **A Quieter Home**

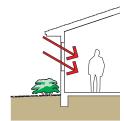
High performance windows provide reduced sound transmission, resulting in an Indoor-Outdoor Transmission Class (IOTC) rating that is often 5–10 points below a standard window.

#### **Efficient Window Properties**



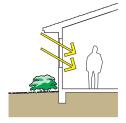
#### **U-Factor**

The rate of heat loss is indicated in terms of the U-factor (U-value). This rate of non-solar heat loss or gain through a whole window assembly is measured in Btu/hr-sf-°F. The lower the U-factor, the greater a window's resistance to heat flow and the better its insulating value.



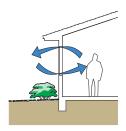
#### Solar Heat Gain Coefficient (SHGC)

The SHGC is the fraction of incident solar radiation admitted through a window. SHGC is expressed as a number between 0 and 1. The lower a window's solar heat gain coefficient, the less solar heat it transmits. Whether a higher or lower SHGC is desirable depends on the climate, orientation, shading conditions, and other factors.



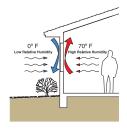
#### Visible Transmittance (VT)

The VT is an optical property that indicates the amount of visible light transmitted. VT is a whole window rating and includes the impact of the frame which does not transmit any visible light. While VT theoretically varies between 0 and 1, most values are between 0.3 and 0.7. The higher the VT, the more light is transmitted.



#### Air Leakage (AL)

AL is expressed in cubic feet of air passing through a square foot of window area (cfm/sf). The lower the AL, the less air will pass through cracks in the assembly. AL is very important, but not as important as U-factor and SHGC.



#### Condensation Resistance (CR)

CR measures how well a window resists the formation of condensation on the inside surface. CR is expressed as a number between 1 and 100. The higher the number, the better a product is able to resist condensation. CR is meant to compare products and their potential for condensation formation. CR is an optional rating on the NFRC label.

January 2016

#### **Comparing Window Performance in Detroit, Michigan**

The annual energy performance figures shown here assume a typical existing 1700 sq. ft. single-story house with 15% window-to-floor area. The windows are equally distributed on all four sides of the house and include typical shading (partially deployed interior shades, overhangs, trees and neighboring buildings).



WINDOW SYSTEM							WINDOW SYSTEM STANDARDS PERFORMANCE								
ID	Panes	Glass	Frame	U-factor	SHGC	VT	ENERGY STAR	2012 IECC	Annual Energy Cost	Heat	cool	Total	Winter	Summ	Coni
18	3	HSG Low-E	Non-metal, Improved	≤0.22	0.41-0.60	0.41-0.50	Yes	Yes				•	•	•	
19	3	MSG Low-E	Non-metal, Improved	≤0.22	0.21-0.40	0.41-0.50	Yes	Yes			•	•	•		•
15	2	HSG Low-E	Non-metal, Improved	0.23-0.30	0.41-0.60	0.51-0.60	Maybe	Yes				•	•	•	
20	3	LSG Low-E	Non-metal, Improved	≤0.22	≤0.20	≤0.40	Yes	Yes			•	•	•	•	
16	2	MSG Low-E	Non-metal, Improved	0.23-0.30	0.26-0.40	0.51-0.60	Maybe	Yes					•		
17	2	LSG Low-E	Non-metal, Improved	0.23-0.30	≤0.25	0.41-0.50	Maybe	Yes			•		•		
9	2	HSG Low-E	Metal, Improved	0.41-0.55	0.41-0.60	0.51-0.60	No	No				•		•	
10	2	MSG Low-E	Metal, Improved	0.41-0.55	0.26-0.40	0.51-0.60	No	No			•	•			
N <sub>p</sub>	2	LSG Low-E	Metal, Improved	0.41-0.55	≤0.25	0.51-0.60	No	No			•	•			
4	2	HSG Low-E	Metal	0.56-0.70	>0.60	>0.60	No	No					•	•	
5	2	MSG Low-E	Metal	0.56-0.70	0.26-0.40	0.51-0.60	No	No					•		
6	2	LSG Low-E	Metal	0.56-0.70	≤0.25	0.51-0.60	No	No					•		
3	2	Clear	Non-metal	0.41-0.55	0.41-0.60	0.51-0.60	No	No							
4	2	Tint	Non-metal	0.41-0.55	0.41-0.60	≤0.40	No	No							
7	2	Clear	Metal, Improved	0.56-0.70	>0.60	>0.60	No	No					•	•	
8	2	Tint	Metal, Improved	0.56-0.70	0.41-0.60	0.41-0.50	No	No					•	•	
2	2	Clear	Metal	0.71-0.99	>0.60	>0.60	No	No					•	•	
3	2	Tint	Metal	0.71-0.99	0.41-0.60	0.51-0.60	No	No				0	•	•	
2	1	Clear	Non-metal	0.71-0.99	>0.60	>0.60	No	No					•	•	
6	1	Clear	Metal	≥1.00	>0.60	>0.60	No	No		•		•	•	•	•

January 2016

#### **Comparing Window Performance in Grand Rapids, Michigan**

The annual energy performance figures shown here assume a typical existing 1700 sq. ft. single-story house with 15% window-to-floor area. The windows are equally distributed on all four sides of the house and include typical shading (partially deployed interior shades, overhangs, trees and neighboring buildings).



WINDOW SYSTEM							WINDOW SYSTEM STANDARDS PERFORMANCE								
ID	Panes	Glass	Frame	U-factor	SHGC	VT	ENERGY STAR	2012 IECC	Annual Energy Cost	Heat	cool	Total	Winter	Summ	Coni
18	3	HSG Low-E	Non-metal, Improved	≤0.22	0.41-0.60	0.41-0.50	Yes	Yes				•	•	•	
19	3	MSG Low-E	Non-metal, Improved	≤0.22	0.21-0.40	0.41-0.50	Yes	Yes			•	•	•		•
20	3	LSG Low-E	Non-metal, Improved	≤0.22	≤0.20	≤0.40	Yes	Yes					•	•	
15	2	HSG Low-E	Non-metal, Improved	0.23-0.30	0.41-0.60	0.51-0.60	Maybe	Yes					•	•	
16	2	MSG Low-E	Non-metal, Improved	0.23-0.30	0.26-0.40	0.51-0.60	Maybe	Yes					•		
17	2	LSG Low-E	Non-metal, Improved	0.23-0.30	≤0.25	0.41-0.50	Maybe	Yes					•		
9	2	HSG Low-E	Metal, Improved	0.41-0.55	0.41-0.60	0.51-0.60	No	No						•	
10	2	MSG Low-E	Metal, Improved	0.41-0.55	0.26-0.40	0.51-0.60	No	No				•			
1	2	LSG Low-E	Metal, Improved	0.41-0.55	≤0.25	0.51-0.60	No	No			•			•	
4	2	HSG Low-E	Metal	0.56-0.70	>0.60	>0.60	No	No					•	•	
5	2	MSG Low-E	Metal	0.56-0.70	0.26-0.40	0.51-0.60	No	No					•		
6	2	LSG Low-E	Metal	0.56-0.70	≤0.25	0.51-0.60	No	No					•		
3	2	Clear	Non-metal	0.41-0.55	0.41-0.60	0.51-0.60	No	No							
4	2	Tint	Non-metal	0.41-0.55	0.41-0.60	≤0.40	No	No						•	
7	2	Clear	Metal, Improved	0.56-0.70	>0.60	>0.60	No	No					•	•	
8	2	Tint	Metal, Improved	0.56-0.70	0.41-0.60	0.41-0.50	No	No					•	•	
2	2	Clear	Metal	0.71-0.99	>0.60	>0.60	No	No				0	•	•	
3	2	Tint	Metal	0.71-0.99	0.41-0.60	0.51-0.60	No	No				0	•	•	
3	1	Clear	Non-metal	0.71-0.99	>0.60	>0.60	No	No					•	•	
1	1	Clear	Metal	≥1.00	>0.60	>0.60	No	No		•		•	•	•	•

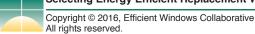
January 2016

#### **Comparing Window Performance in Houghton, Michigan**

The annual energy performance figures shown here assume a typical existing 1700 sq. ft. single-story house with 15% window-to-floor area. The windows are equally distributed on all four sides of the house and include typical shading (partially deployed interior shades, overhangs, trees and neighboring buildings).



			WINDOW	SYSTEM			STAND	ARDS	PERFORMANCE	E	NER	ΒY		FORT	
ID	Panes	Glass	Frame	U-factor	SHGC	VT	ENERGY STAR	2012 IECC	Annual Energy Cost	Heat	cool	Total	Winter	Summ	Coni
18	3	HSG Low-E	Non-metal, Improved	≤0.22	0.41-0.60	0.41-0.50	Yes	Yes		•		•	•		
15	2	HSG Low-E	Non-metal, Improved	0.23-0.30	0.41-0.60	0.51-0.60	Maybe	Yes		•		•	•		•
19	3	MSG Low-E	Non-metal, Improved	≤0.22	0.21-0.40	0.41-0.50	Yes	Yes		•	•	•	•	•	•
20	3	LSG Low-E	Non-metal, Improved	≤0.22	≤0.20	≤0.40	Yes	Yes			•	•	•	•	
16	2	MSG Low-E	Non-metal, Improved	0.23-0.30	0.26-0.40	0.51-0.60	Maybe	Yes			•	•	•		
9	2	HSG Low-E	Metal, Improved	0.41-0.55	0.41-0.60	0.51-0.60	No	No		•			•		
17	2	LSG Low-E	Non-metal, Improved	0.23-0.30	≤0.25	0.41-0.50	Maybe	Yes			•		•	•	
10	2	MSG Low-E	Metal, Improved	0.41-0.55	0.26-0.40	0.51-0.60	No	No			•		•		•
4	2	HSG Low-E	Metal	0.56-0.70	>0.60	>0.60	No	No					•		•
11,	2	LSG Low-E	Metal, Improved	0.41-0.55	≤0.25	0.51-0.60	No	No			•			•	•
5	2	MSG Low-E	Metal	0.56-0.70	0.26-0.40	0.51-0.60	No	No			•		•		•
6	2	LSG Low-E	Metal	0.56-0.70	≤0.25	0.51-0.60	No	No			•		•	•	•
13	2	Clear	Non-metal	0.41-0.55	0.41-0.60	0.51-0.60	No	No					•		
14	2	Tint	Non-metal	0.41-0.55	0.41-0.60	≤0.40	No	No				0	•		
7	2	Clear	Metal, Improved	0.56-0.70	>0.60	>0.60	No	No				0	•		
8	2	Tint	Metal, Improved	0.56-0.70	0.41-0.60	0.41-0.50	No	No					•		
2	2	Clear	Metal	0.71-0.99	>0.60	>0.60	No	No					•		
3	2	Tint	Metal	0.71-0.99	0.41-0.60	0.51-0.60	No	No				0	•		
12	1	Clear	Non-metal	0.71-0.99	>0.60	>0.60	No	No			0		•	•	•
1	1	Clear	Metal	≥1.00	>0.60	>0.60	No	No		•		•	•	•	•



n 1989 the glazing and fenestration industry self-organized to create the National Fenestration Rating Council (NFRC). Nine years later the Efficient Windows Collaborative (EWC) was formed and since that time, market share for high performance windows has grown from roughly 30% to over 80% in the residential sector. During that growth, the EWC has been at the forefront of educating manufacturers about how to communicate the value of energy efficiency to consumers and providing performance comparisons across generic products. First incorporating NFRC labels and then ENERGY STAR for fenestration labels, the EWC has maintained a clear and consistent message regarding product performance. The purpose of the EWC is to provide unbiased information, outreach, education, and research dissemination to the general public on the energy efficiency, technical, and human considerations that influence window and façade design, selection, and use.

#### **CONNECT WITH US**

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- https://itunes.apple.com/us/app/window-selection-tool/id911802627?mt=8

The mission of the Efficient Windows Collaborative is to lead and support — through the use of advanced window, façade and skylight technologies — the transformation of the built environment toward greater energy efficiency.

The Efficient Windows Collaborative is a nonprofit, 501(c)3 organization that partners with window, door, skylight, and component manufacturers, research organizations, federal, state & local government agencies, and others interested in expanding the market for high-efficiency fenestration products.

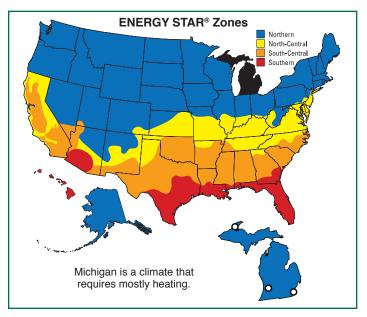


### Efficient Windows™



## **Selecting Energy Efficient New** Windows in Michigan

www.efficientwindows.org January 2016



U-factor	SHGC	Air Leakage
Windows: $U \le 0.27$ Windows: $U = 0.28$ Windows: $U = 0.29$ Windows: $U = 0.30$ Skylights: $U \le 0.50$	Windows: Any Windows: SHGC ≥0.32 Windows: SHGC ≥0.37 Windows: SHGC ≥0.42 Skylights: Any	Windows: AL ≤ 0.30 Skylights: AL ≤ 0.30

For superior energy performance, select windows with a U-factor of 0.25 or less. If air conditioning is not a concern, look for a higher Solar Heat Gain Coefficient (SHGC) of 0.35–0.60 so winter solar heat can help offset the heating energy need. If cooling is a significant concern and no shading is available, select windows with a SHGC less than 0.32.

U-factor	SHGC	Air Leakage
Windows: U ≤ 0.30	Windows: SHGC ≤0.40	Windows: AL ≤ 0.30
Skylights: U ≤ 0.53	Skylights: SHGC ≤0.35	Skylights: AL ≤ 0.30

The larger your heating bill, the more important a low U-factor becomes. For superior energy performance, select windows with a U-factor of 0.25 or less. A low SHGC value reduces summer cooling demand, but also reduces free winter solar heat gain. If you have significant air conditioning costs or summer overheating issues, look for SHGC values of 0.25 or less.

U-factor	SHGC	Air Leakage
Windows: U ≤ 0.30	Windows: SHGC ≤0.25	Windows: AL≤0.30
Skylights: U ≤ 0.53	Skylights: SHGC ≤0.28	Skylights: AL≤ 0.30

A low U-factor is useful during cold days when heating is needed and is also helpful during hot days when it is important to keep the heat out. Windows with low SHGC values help reduce summer cooling demand. If you have significant air conditioning costs or summer overheating issues, look for SHGC values of 0.25 or less.

U-factor	SHGC	Air Leakage
Windows: U ≤ 0.40	Windows: SHGC ≤0.25	Windows: AL≤0.30
Skylights: U ≤ 0.60	Skylights: SHGC ≤0.28	Skylights: AL≤ 0.30

A low SHGC is the important window property in warm to hot climates. For superior energy performance, select windows with a SHGC of 0.25 or less. A low U-factor is useful during cold days when heating is needed and is also helpful during hot days when it is important to keep the heat out.

#### 1. Meet the Energy Code & Look for the ENERGY STAR®

Windows must comply with your local energy code. Windows that are ENERGY STAR certified often meet or exceed energy code requirements. To verify if specific window energy properties comply with the local code requirements, look for the NFRC label.



#### 2. Look for Efficient Properties on the NFRC Label

The National Fenestration Rating Council (NFRC) label is needed for verification of energy code compliance. The NFRC label displays whole-window energy properties and appears on all fenestration products which are part of the ENERGY STAR program (www.nfrc.org).



#### 3. Compare Annual Energy Costs for a Typical House

Use computer simulations for a typical house to compare the annual energy performance of different window types. A comparison of the performance of a set of windows for this climate begins on Page 3 or use the Window Selection Tool on the EWC web site or the Window Selection Tool Mobile App (www.efficientwindows.org).



#### 4. Customize Energy Use for a Specific House

A simulation program, such as RESFEN, lets you compare window options by calculating performance based on utility rates for your climate. house design, and window design options (windows.lbl.gov/software).



#### **5. Ensure Proper Installation**

Proper window and skylight installation is necessary for optimal performance, to avoid air and water leakage. Always follow manufacturers' installation guidelines and use trained professionals for window and skylight installation



#### January 2016

#### **Benefits of High Performance Windows**

#### **Heating & Cooling Season Savings**

In climates with a significant heating season, standard windows can represent a major source of unwanted heat loss. Low-E coatings, gas fills, and insulating spacers and frames result in a lower U-factor, meaning less winter heat loss. In climates that mainly require cooling, non-energy efficient windows can be a major source of unwanted heat gain. Low-solar-gain low-E coatings can reduce solar heat gain while still providing comfort, daylight and views.

#### Improved Daylight and View

Daylight and view are two fundamental attributes of a window. Low-E coatings can significantly reduce solar heat gain with a minimal loss of light and view.

#### **Improved Comfort**

High performance windows can make a home more comfortable. Cold glass can create uncomfortable drafts as air next to the window is cooled and drops to the floor. Windows with low U-factors will results in higher interior window temperatures in the heating seasons and thus greater comfort. Also, during cooling seasons, strong direct sunlight can create overheating and discomfort. Windows with a low SHGC will reduce the solar radiation (heat) coming through the glass.

#### **Less Condensation**

High performance windows with warm edge technology and insulating frames have a warm interior surface so that condensation on interior surfaces is significantly reduced or eliminated.

#### **Reduced Fading**

Coatings on glass or plastic films within the window or skylight assembly can significantly reduce the ultraviolet (UV) and other solar radiation which causes fading of fabrics and furnishings.

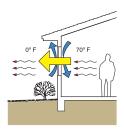
#### **Lower Mechanical Equipment Costs**

Efficient windows reduce annual heating and cooling bills as well as peak heating and cooling loads. Peak loads determine the size of the home's furnace, heat pump, air conditioner, and fans. Reducing peak load may allow homeowners to install a smaller heating or cooling system.

#### **A Quieter Home**

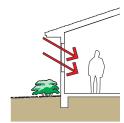
High performance windows provide reduced sound transmission, resulting in an Indoor-Outdoor Transmission Class (IOTC) rating that is often 5–10 points below a standard window.

#### **Efficient Window Properties**



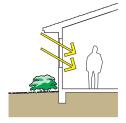
#### **U-Factor**

The rate of heat loss is indicated in terms of the U-factor (U-value). This rate of non-solar heat loss or gain through a whole window assembly is measured in Btu/hr-sf-°F. The lower the U-factor, the greater a window's resistance to heat flow and the better its insulating value.



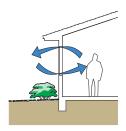
#### Solar Heat Gain Coefficient (SHGC)

The SHGC is the fraction of incident solar radiation admitted through a window. SHGC is expressed as a number between 0 and 1. The lower a window's solar heat gain coefficient, the less solar heat it transmits. Whether a higher or lower SHGC is desirable depends on the climate, orientation, shading conditions, and other factors.



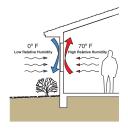
#### **Visible Transmittance (VT)**

The VT is an optical property that indicates the amount of visible light transmitted. VT is a whole window rating and includes the impact of the frame which does not transmit any visible light. While VT theoretically varies between 0 and 1, most values are between 0.3 and 0.7. The higher the VT, the more light is transmitted.



#### Air Leakage (AL)

AL is expressed in cubic feet of air passing through a square foot of window area (cfm/sf). The lower the AL, the less air will pass through cracks in the assembly. AL is very important, but not as important as U-factor and SHGC.



#### Condensation Resistance (CR)

CR measures how well a window resists the formation of condensation on the inside surface. CR is expressed as a number between 1 and 100. The higher the number, the better a product is able to resist condensation. CR is meant to compare products and their potential for condensation formation. CR is an optional rating on the NFRC label.

January 2016

#### **Comparing Window Performance in Detroit, Michigan**

The annual energy performance figures shown here assume a typical new 1700 sq. ft. single-story house with 15% window-to-floor area. The windows are equally distributed on all four sides of the house and include typical shading (partially deployed interior shades, overhangs, trees and neighboring buildings).



			WINDOW	SYSTEM			STAND	ARDS	PERFORMANCE	E	NERC	ΒY		FORT	
ID	Panes	Glass	Frame	U-factor	SHGC	VT	ENERGY STAR	2012 IECC	Annual Energy Cost	Heat	cool	Total	Winter	Summ	Cour
18	3	HSG Low-E	Non-metal, Improved	≤0.22	0.41-0.60	0.41-0.50	Yes	Yes				•	•	•	
19	3	MSG Low-E	Non-metal, Improved	≤0.22	0.21-0.40	0.41-0.50	Yes	Yes			•	•	•		
20	3	LSG Low-E	Non-metal, Improved	≤0.22	≤0.20	≤0.40	Yes	Yes					•		
15	2	HSG Low-E	Non-metal, Improved	0.23-0.30	0.41-0.60	0.51-0.60	Maybe	Yes					•	•	•
16	2	MSG Low-E	Non-metal, Improved	0.23-0.30	0.26-0.40	0.51-0.60	Maybe	Yes			•	•	•		•
17	2	LSG Low-E	Non-metal, Improved	0.23-0.30	≤0.25	0.41-0.50	Maybe	Yes			•		•		
9	2	HSG Low-E	Metal, Improved	0.41-0.55	0.41-0.60	0.51-0.60	No	No				•	0	•	•
10	2	MSG Low-E	Metal, Improved	0.41-0.55	0.26-0.40	0.51-0.60	No	No				•	0		•
11,	2	LSG Low-E	Metal, Improved	0.41-0.55	≤0.25	0.51-0.60	No	No			•			•	
4	2	HSG Low-E	Metal	0.56-0.70	>0.60	>0.60	No	No					•	•	
5	2	MSG Low-E	Metal	0.56-0.70	0.26-0.40	0.51-0.60	No	No					•		
6	2	LSG Low-E	Metal	0.56-0.70	≤0.25	0.51-0.60	No	No			•		•		
13	2	Clear	Non-metal	0.41-0.55	0.41-0.60	0.51-0.60	No	No					0	•	•
14	2	Tint	Non-metal	0.41-0.55	0.41-0.60	≤0.40	No	No					0	•	•
7	2	Clear	Metal, Improved	0.56-0.70	>0.60	>0.60	No	No					•	•	
8	2	Tint	Metal, Improved	0.56-0.70	0.41-0.60	0.41-0.50	No	No				0	•	•	
2	2	Clear	Metal	0.71-0.99	>0.60	>0.60	No	No			0		•	•	
3	2	Tint	Metal	0.71-0.99	0.41-0.60	0.51-0.60	No	No					•	•	
12	1	Clear	Non-metal	0.71-0.99	>0.60	>0.60	No	No			0		•	•	•
1	1	Clear	Metal	≥1.00	>0.60	>0.60	No	No		•		•	•	•	•

January 2016

#### **Comparing Window Performance in Grand Rapids, Michigan**

The annual energy performance figures shown here assume a typical new 1700 sq. ft. single-story house with 15% window-to-floor area. The windows are equally distributed on all four sides of the house and include typical shading (partially deployed interior shades, overhangs, trees and neighboring buildings).



			WINDOW	SYSTEM			STAND	ARDS	PERFORMANCE	Е	NERC	ΒY		FORT	
ID	Panes	Glass	Frame	U-factor	SHGC	VT	ENERGY STAR	2012 IECC	Annual Energy Cost	Heat	cool	Total	Winter	Summ	Cour
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15	2	HSG Low-E	Non-metal, Improved	0.23-0.30	0.41-0.60	0.51-0.60	Maybe	Yes				•	•	•	•
16	2	MSG Low-E	Non-metal, Improved	0.23-0.30	0.26-0.40	0.51-0.60	Mabye	Yes			•	•	•		•
17	2	LSG Low-E	Non-metal, Improved	0.23-0.30	≤0.25	0.41-0.50	Maybe	Yes			•		•		•
9	2	HSG Low-E	Metal, Improved	0.41-0.55	0.41-0.60	0.51-0.60	No	No				•	0	•	
10	2	MSG Low-E	Metal, Improved	0.41-0.55	0.26-0.40	0.51-0.60	No	No				•	0		
11,	2	LSG Low-E	Metal, Improved	0.41-0.55	≤0.25	0.51-0.60	No	No			•			•	•
4	2	HSG Low-E	Metal	0.56-0.70	>0.60	>0.60	No	No					•	•	•
5	2	MSG Low-E	Metal	0.56-0.70	0.26-0.40	0.51-0.60	No	No					•		
6	2	LSG Low-E	Metal	0.56-0.70	≤0.25	0.51-0.60	No	No			•		•		•
13	2	Clear	Non-metal	0.41-0.55	0.41-0.60	0.51-0.60	No	No					0	•	•
14	2	Tint	Non-metal	0.41-0.55	0.41-0.60	≤0.40	No	No						•	
7	2	Clear	Metal, Improved	0.56-0.70	>0.60	>0.60	No	No					•	•	
8	2	Tint	Metal, Improved	0.56-0.70	0.41-0.60	0.41-0.50	No	No				0	•	•	
2	2	Clear	Metal	0.71-0.99	>0.60	>0.60	No	No			0		•	•	
3	2	Tint	Metal	0.71-0.99	0.41-0.60	0.51-0.60	No	No					•	•	
12	1	Clear	Non-metal	0.71-0.99	>0.60	>0.60	No	No			0		•	•	•
1	1	Clear	Metal	≥1.00	>0.60	>0.60	No	No		•		•	•	•	•

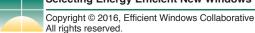
January 2016

#### **Comparing Window Performance in Houghton, Michigan**

The annual energy performance figures shown here assume a typical new 1700 sq. ft. single-story house with 15% window-to-floor area. The windows are equally distributed on all four sides of the house and include typical shading (partially deployed interior shades, overhangs, trees and neighboring buildings).



			WINDOW	SYSTEM			STAND	ARDS	PERFORMANCE	E	NER	àΥ	СОМ		
ID	Panes	Glass	Frame	U-factor	SHGC	VT	ENERGY STAR	2012 IECC	Annual Energy Cost	Heat	cool	Total	Winter	Summ	Cond
18	3	HSG Low-E	Non-metal, Improved	≤0.22	0.41-0.60	0.41-0.50	Yes	Yes		•		•	•		•
15	2	HSG Low-E	Non-metal, Improved	0.23-0.30	0.41-0.60	0.51-0.60	Maybe	Yes		•		•	•		•
19	3	MSG Low-E	Non-metal, Improved	≤0.22	0.21-0.40	0.41-0.50	Yes	Yes					•		•
20	3	LSG Low-E	Non-metal, Improved	≤0.22	≤0.20	≤0.40	Yes	Yes		•	•	•	•		•
16	2	MSG Low-E	Non-metal, Improved	0.23-0.30	0.26-0.40	0.51-0.60	Maybe	Yes		•		•	•		•
17	2	LSG Low-E	Non-metal, Improved	0.23-0.30	≤0.25	0.41-0.50	Maybe	Yes				•	•		•
9	2	HSG Low-E	Metal, Improved	0.41-0.55	0.41-0.60	0.51-0.60	No	No		•		•	•		•
10		MSG Low-E	Metal, Improved	0.41-0.55	0.26-0.40	0.51-0.60	No	No					•		•
11	2	LSG Low-E	Metal, Improved	0.41-0.55	≤0.25	0.51-0.60	No	No			•				•
4	2	HSG Low-E	Metal	0.56-0.70	>0.60	>0.60	No	No					•		•
5	2	MSG Low-E	Metal	0.56-0.70	0.26-0.40	0.51-0.60	No	No					•		•
6	2	LSG Low-E	Metal	0.56-0.70	≤0.25	0.51-0.60	No	No			•		•		•
13		Clear	Non-metal	0.41-0.55	0.41-0.60	0.51-0.60	No	No					•		
14		Tint	Non-metal	0.41-0.55	0.41-0.60	≤0.40	No	No					•		
7		Clear	Metal, Improved	0.56-0.70	>0.60	>0.60	No	No					•		
8	2	Tint	Metal, Improved	0.56-0.70	0.41-0.60	0.41-0.50	No	No					•		
2	2	Clear	Metal	0.71-0.99	>0.60	>0.60	No	No				0	•		
3	2	Tint	Metal	0.71-0.99	0.41-0.60	0.51-0.60	No	No					•		
12		Clear	Non-metal	0.71-0.99	>0.60	>0.60	No	No					•	•	•
6	1	Clear	Metal	≥1.00	>0.60	>0.60	No	No		•		•	•	•	•
_									\$0 \$200 \$400 \$600 \$80	00		rst		est	



n 1989 the glazing and fenestration industry self-organized to create the National Fenestration Rating Council (NFRC). Nine years later the Efficient Windows Collaborative (EWC) was formed and since that time, market share for high performance windows has grown from roughly 30% to over 80% in the residential sector. During that growth, the EWC has been at the forefront of educating manufacturers about how to communicate the value of energy efficiency to consumers and providing performance comparisons across generic products. First incorporating NFRC labels and then ENERGY STAR for fenestration labels, the EWC has maintained a clear and consistent message regarding product performance. The purpose of the EWC is to provide unbiased information, outreach, education, and research dissemination to the general public on the energy efficiency, technical, and human considerations that influence window and façade design, selection, and use.

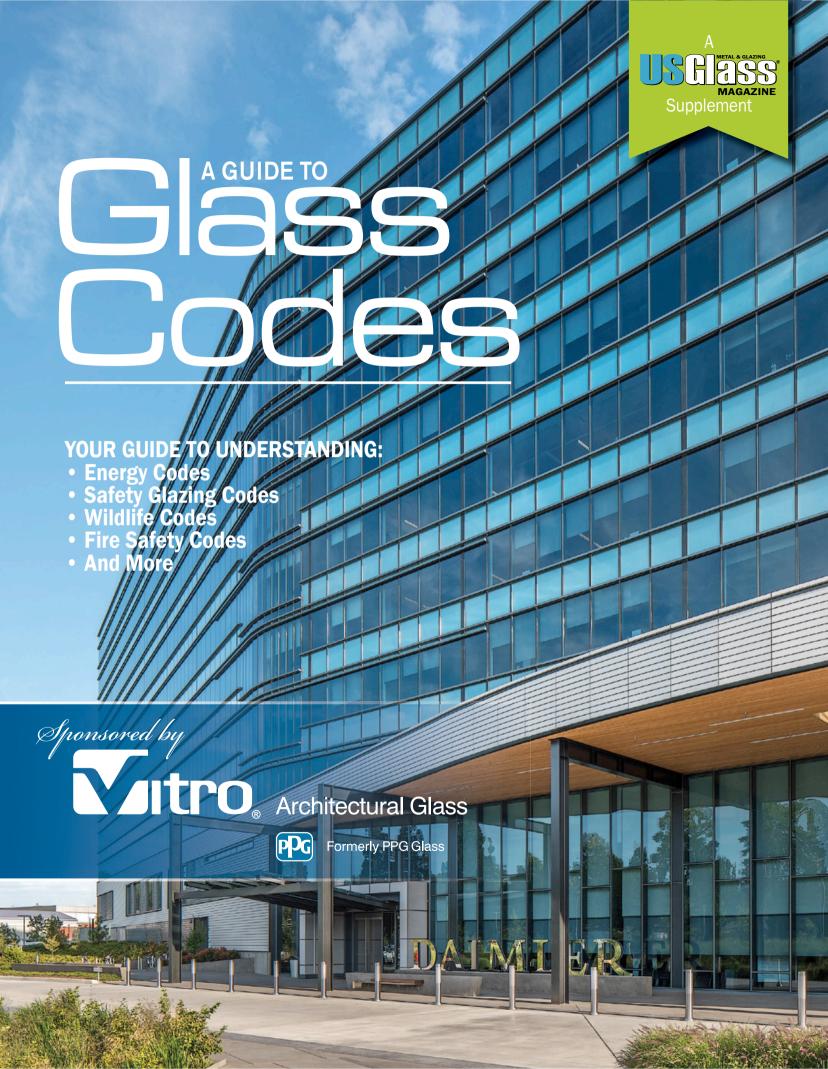
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The mission of the Efficient Windows Collaborative is to lead and support — through the use of advanced window, façade and skylight technologies — the transformation of the built environment toward greater energy efficiency.

The Efficient Windows Collaborative is a nonprofit, 501(c)3 organization that partners with window, door, skylight, and component manufacturers, research organizations, federal, state & local government agencies, and others interested in expanding the market for high-efficiency fenestration products.







## Capture clarity.

#### Fit the bill—and the build—with new Acuity<sup>™</sup> Low-Iron Glass.

Elevate aesthetics for a modest investment, without sacrificing performance. New *Acuity* Glass by Vitro Architectural Glass (formerly PPG Glass) is an affordable low-iron solution available with *Solarban* solar control low-e coatings, offering vivid views with no green cast. Where conventional clear glass was once a given, pure clarity is now within reach.

Request samples and learn more at vitroglazings.com/acuity





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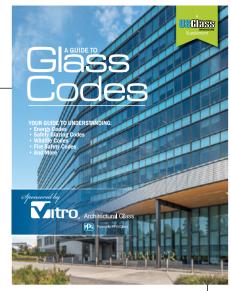
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Find a list of all industry acronyms and more information on some of the codes referenced in this guide.



#### On the Cover

The Daimler Trucks North America Headquarters in Portland, Ore., features Vitro Architectural Glass' Solarban® R100 Solarblue® glass fabricated by Hartung Glass and installed by Benson Industries.

Photography: Tom Kessler

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t is both the artist and the canvas.

The destination and thoroughfare.

It illuminates, reflects and obscures.

There is no other thing on earth like it.

Glass is glorious.

No security with a vista.

Imagine, for a moment, a glassless world.

How different life would be.

No mirror to reflect our sense of self.

No insulating glass to keep us comfortable while allowing a view. No vantage point into cars or out of small spaces.

There is no thing on earth like glass.

It is a chameleon to be celebrated.

It changes shape and depth and color to meet the needs of its surroundings.

A delightfully durable material of strength

A delightfully durable material of strength and whimsy.

Give bricks, concrete, wood and metal their due.

But nothing does what glass is.

Our sponsors at Vitro Architectural Glass commissioned this educational brochure to help those who design and build with glass to understand its characteristics and the building codes that affect it. We hope it proves helpful to you as you work with a material that knows no bounds.

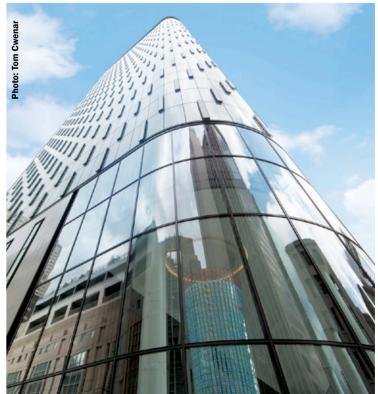




#### Vitro projects, clockwise from left:

VIA 57 West, New York, New York, Solarban® 70XL glass; UCSD Jacobs Medical Center, La Jolla, Calif., Solarban® 70XL glass coated on Starphire Ultra-Clear® glass and Solarban® 72 glass; Chicago O'Hare Airport, Terminal 5, Chicago, Starphire® glass; The Terry Thomas, Seattle, Solarban® 70XL glass; The Tower at PNC Plaza, Pittsburgh, Sungate® 400 passive low-E glass and Starphire-Ultra-Clear® glass.

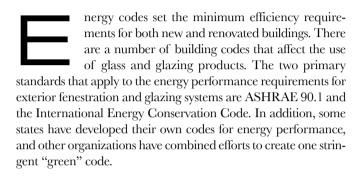






# Codes for the Planet

#### **Green & Energy Regulations**



#### **ASHRAE 90.1**

ASHRAE 90.1, "Energy Standard for Buildings Except Low-Rise Residential Buildings" provides the minimum requirements for energy-efficient design of most buildings, except low-rise residential buildings. There are multiple versions of the standard, which are referenced by different states across the country (see map below).

The most recent version is ASHRAE 90.1—2016 and it is currently being reviewed by the states for consideration based on more stringent requirements. It is important to recognize that the performance requirements for these standards are for the fully framed glazing systems and not just for the center-of-glass performance.



#### **IECC**

The second referenced standard is the IECC, which was developed by the International Code Council (ICC). The most recent version was published in 2018. The IECC is in use or adopted in 48 states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands. California's energy codes requirements conform to the 2016 California Title 24 Building Energy Efficiency Standards, and Indiana references the 2010 Indiana Energy Conservation Code based on ASHRAE 90.1-2007.

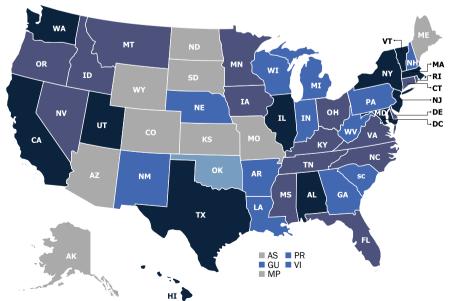
A comparison of the U-factor and Solar Heat Gain Coefficient (SHGC) requirements of the IECC and various versions of ASHRAE 90.1 is illustrated in the chart on the following page.

#### Title 24

California's Title 24 mandates stringent energy performance requirements. These include lower U-factors based on product type, such as curtainwall and storefront. Other fixed windows and operable windows require low-E double glazing with a thermally broken frame in most cases, as well as argon and warm edge spacers. In addition, triple-silver low-E coatings likely will be necessary given the code's low SHGC and minimum Visible

continued on page 6

#### Commercial Code Status



- Meets or exceeds ASHRAE 90.1-2013 or equivalent (12)
- Meets or exceeds ASHRAE 90.1-2010 or equivalent (17)
- Meets or exceeds ASHRAE 90.1-2007 or equivalent (15)
- Meets or exceeds ASHRAE 90.1-2004 or equivalent (1)
- No statewide code or predates ASHRAE 90.1-2004 (11)

(Source: bcapcodes.org)

#### IECC U-Factor and Solar Heat Coefficients

		Vert	ical Fene	stratio	n U-Fac	ctors			
Climate Zone	1	2	3	4	5	6	7	8	Specification
Non-Metal Framing	1.2	0.75	0.65	0.4	0.35	0.35	0.35	0.35	ASHRAE 90.1-2010
	0.5	0.4	0.35	0.35	0.32	0.32	0.32	0.32	ASHRAE 90.1-2013
	0.5	0.37	0.33/0.35	0.31	0.31	0.3	0.28	0.25	ASHRAE 90.1-2016
				Same as	metal frami	ing fixed or	operable		
			IECC	2012-2	018				
Metal Framing - Fixed	1.2	0.7	0.6	0.5	0.45	0.45	0.4	0.4	ASHRAE 90.1-2010
	0.57	0.57	0.5	0.42	0.42	0.42	0.38	0.38	ASHRAE 90.1-2013
	0.57	0.54	0.33/0.35	0.31	0.31	0.3	0.28	0.25	ASHRAE 90.1-2016
	0.5	0.5	0.46	0.38	0.38	0.36	0.29	0.29	IECC 2012-2018
Metal Framing - Operable	1.2	0.75	0.65	0.55	0.55	0.55	0.45	0.45	ASHRAE 90.1-2010
	0.65	0.65	0.6	0.5	0.5	0.5	0.4	0.4	ASHRAE 90.1-2013
	0.65	0.65	0.6	0.46	0.46	0.45	0.4	0.35	ASHRAE 90.1-2016
	0.65	0.65	0.6	0.45	0.45	0.43	0.37	0.37	IECC 2012-2018
Metal Framing - Entrance Doors	1.2	1.1	0.9	0.85	0.8	0.8	0.8	0.8	ASHRAE 90.1-2010
	0.65	0.65	0.6	0.5	0.5	0.5	0.4	0.4	ASHRAE 90.1-2013
	1.1	0.83	0.77	0.68	0.68	0.68	0.68	0.68	ASHRAE 90.1-2016
	1.1	0.83	0.77	0.77	0.77	0.77	0.77	0.77	IECC 2012-2018
		Ve	rtical Fen	estrati	on SH	GC			
Climate Zone	1	2	3	4	5	6	7	8	Specification
SHGC	0.25	0.25	0.25	0.4	0.4	0.4	0.45	0.45	ASHRAE 90.1-2010 & 2013
									IECC 2012 & 2015
Source: IECC	0.25	0.25	0.25	0.36	0.38	0.4	0.45	0.45	ASHRAE 90.1-2016
Source. IECO									IECC 2018

The chart above compares the differences in U-factor and SHGC requirements of the IECC and various versions of ASHRAE 90.1 for different glazing products.

#### IgCC ASHRAE U-Factor Requirements

		Ver	tical Fer	nestratio	on U-Fac	ctors			
Climate Zone	1	2	3	4	5	6	7	8	Specification
Non-Metal Framing	0.45	0.36	0.32	0.32	0.29	0.29	0.29	0.29	ASHRAE 189.1-2014
	0.48	0.35	0.31	0.29	0.29	0.29	0.27	0.24	ASHRAE 189.1-2017 & 2018 lgCC
									2015 lgCC
				same a	ıs metal frar	ming fixed c	r operable		
Metal Framing - Fixed	0.51	0.51	0.45	0.38	0.38	0.38	0.34	0.34	ASHRAE 189.1-2014
	0.54	0.51	0.43	0.36	0.36	0.36	0.31	0.28	ASHRAE 189.1-2017 & 2018 lgCC
	0.48	0.48	0.44	0.36	0.36	0.34	0.28	0.28	2015 lgCC
Metal Framing - Operable	0.59	0.59	0.54	0.45	0.45	0.45	0.36	0.36	ASHRAE 189.1-2014
	0.63	0.57	0.44	0.44	0.43	0.38	0.33	0.4	ASHRAE 189.1-2017 & 2018 lgCC
	0.62	0.62	0.57	0.43	0.43	0.41	0.35	0.35	2015 IgCC
Metal Framing - Entrance Doors	0.99	0.75	0.69	0.69	0.69	0.69	0.69	0.69	ASHRAE 189.1-2014
	1.05	0.79	0.73	0.65	0.65	0.65	0.65	0.65	ASHRAE 189.1-2017 & 2018 lgCC
Source: IgCC/ASHRAE	1.05	0.79	0.73	0.73	0.73	0.73	0.73	0.73	2015 lgCC

The chart above illustrates maximum U-factor requirements for vertical fenestration for several versions of the ASHRAE and IgCC standards.

#### Codes For The Planet

continued from page 7

Transmittance (VT) requirements. The requirements also allow area-weighted averaging across the façade, which can be useful when balancing the higher U-factors of certain products, such as vents and awnings, with the lower U-factors of a high-performance curtainwall.

It's not unusual for architects and designers in California to follow the building performance path. By following this path, you do not have to meet each and every individual prescriptive requirement as long as the energy equivalence of the overall building design can be shown.

California Title 24 has statewide maximum requirements for U-factor, SHGC and VT for all non-residential fenestration and glazed systems (see chart below).

#### California Title 24 - Commercial

	2013 and 2016 Title 24										
	Max U-Factor	Max SHGC	Max VT								
Curtainwall/ Storefront	0.41	0.26	0.46								
Fixed Windows	0.36	0.25	0.42								
Operable Windows	0.46	0.22	0.31								

#### **IgCC**

In addition to the national energy codes, there are also the more stringent "green" codes. Traditionally, there have been three national green standards: ICC's International Green Construction Code (IgCC); ASHRAE 189.1, Design of High Performance Buildings, except Low-Rise Residential Buildings; and the LEED green building program. In 2016, the three governing bodies agreed to merge the requirements of these three standards into one document.

The IgCC was created to provide a whole-systems approach to the design, construction and operation of buildings. The 2015 IgCC is the currently available version of the code; the 2018 version is under development.

These codes call for higher-performing glass and glazing products, with both the U-value (see chart on page 7) and the SHGC set slightly beyond the base energy code. In addition, daylighting is also a major focus of the IgCC. These requirements call for minimum top-lighting in large, open areas, such as warehouses, as well as minimum sidelighting in offices, classrooms and other similar facilities. Other areas covered by the green codes include shading and sun-shading, renewable energy, such as building integrated photovoltaics, and sustainable materials.

#### **Energy Code Awareness**

Energy codes, like all building codes, can be challenging to understand. Vitro Architectural Glass offers a number of tools and resources to help you select the right glass to meet your project's specific high-performance needs. Visit www.vitroglazings.com to start your search.

## Product Assurance: Environmental Product Declarations

nvironmental Product declarations (EPD) are voluntary transparent reports created by companies regarding the life-cycle impacts of their products on the environment. Reporting and documentation for product-specific EPDs address energy use and emissions associated with a product's manufacture and packaging, as well as the extraction, transportation and processing of related raw materials.

Vitro Architectural Glass has published third-party-verified, product-specific Type III Environmental Product Declarations (EPDs) for both its flat glass and processed glass products. The product-specific flat glass EPD is valid for all annealed and untreated glass products manufactured by Vitro. The product-specific processed glass EPD is valid for products that undergo secondary treatment, such as the addition of magnetron sputtered vapor deposition coatings, heat-strengthening or fabrication into multi-pane insulating glass units.

Both EPDs are certified by ASTM International as conform-

ing to the requirements of ISO 14025. Life-cycle assessments for flat glass and processed glass products were performed according to ISO 14040, ISO 14044 and EN 15804 following the product category rules for each product type.

"EPDs continue to grow in value as green building certification programs and sustainable design become more mainstream," says Paul W. Bush, Vitro's director of quality and technical services. "Today's architects demand greater transparency and Vitro Glass is committed to meeting their expanded requirements. As part of that commitment, we decided to pursue the publication of product-specific, third-party-verified EPDs and to post them publicly with the goal of making it easier for architects to confirm the information we provide and to include our EPDs in their sustainability and certification documentation."

The EPDs and other information about Vitro Architectural Glass' sustainability efforts are available through the company's website: www.vitroglazings.com.



### Introducing the latest evolution in low-e glass.

Architects strive for continuous improvement—in fact, you might say it's in their DNA. Developed with guidance from architects and featuring proprietary technology by Vitro Architectural Glass (formerly PPG Glass), *Solarban*® 90 glass provides the superior solar control performance and optimal occupant comfort architects have always wanted with the aesthetics of clear glass.

### For a sample, call 855-887-6457 or visit vitroglazings.com/sb90

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Vitro Architectural Glass products have been used in glazing projects in all regions of the U.S. Examples include VIA 57 West in New York (left), which features Solarban® 70XL glass fabricated by Tecnoglass and installed by

uilding codes are written with one goal in mind: safety. Meeting them requires extensive planning, meetings and inspections, and they are critical to the success of any building.

The International Building Code (IBC), developed by the International Code Council (ICC), is in use or adopted in all 50 states, the District of Columbia, the U.S. Virgin Islands, Guam and the Northern Marianas Islands. The most recent version (which at press time was the 2018 IBC) was published in August 2017. However, most jurisdictions lag behind in their adoption of the code, so it is important to continue to reference the 2012 or 2015 versions. The IBC establishes the structural performance requirements for glass, glazing and fenestration installed in all buildings. There are some exceptions, such as detached one- and two-family dwellings and multiple single-family dwellings (i.e., townhouses) not more than three stories above grade plane in height. The requirements for these structures are found in the International Residential Code (IRC).

Here's a closer look at the structural performance requirements of the IBC.<sup>1</sup>

### Structural Design

Windloads on buildings are determined in accordance with Chapters 26 to 30 of American Society of Civil Engineers (ASCE) 7 or provisions of the alternate all-heights method in Section 1609.6 of the IBC. In accordance with Section 2404.1,

"Glass sloped 15 degrees (0.26 rad) or less from vertical in windows, curtain and window walls, doors and other exterior applications shall be designed to resist the windloads due to ultimate design wind speed, Vult, in Section 1609 for components and cladding Glass in glazed curtainwalls, glazed storefronts and glazed partitions shall meet the seismic require-

ments of ASCE 7, Section 13.5.9. The load resistance of glass under uniform load shall be determined in accordance with ASTM E1300."

### Glass Strength

ASTM E1300, "Standard Practice for Determining Load Resistance of Glass in Buildings," describes procedures to determine the load resistance of monolithic and laminated glass, including combinations of glass types used in a sealed insulating glass unit. It does not apply to any form of wired, patterned, sandblasted, drilled, notched, or grooved glass or to glass with surface or edge treatments that reduce the glass strength.

IBC 2015 requirements for framing members that support glass and glazing systems are found in Section 2403.3, "Framing" as follows:

"To be considered firmly supported, the framing members for each individual pane of glass shall be designed so the deflection

<sup>1.</sup> While the requirements for glazing and fenestration are predominantly the same between the 2012 and 2015 versions of the IBC, these sections reference the 2015 version.



Enclos, as well as the Grove at Grand Bay in Miami, which features Solarban® 72 Starphire® glass, also fabricated by Tecnoglass. Giovanni Monti and Partners was the glazing contractor.

of the edge of the glass perpendicular to the glass pane shall not exceed 1/175 of the glass edge length or 3/4 inch (19.1 mm), whichever is less, when subjected to the larger of the positive or negative load where loads are combined as specified in Section 1605."

The requirements for fully framed exterior windows and doors are found in Section 1709.5:

"Exterior windows and sliding doors shall be tested and labeled as conforming to AAMA/WDMA/CSA101/I.S.2/A440. The label shall state the name of the manufacturer, the approved labeling agency and the product designation as specified in AAMA/WDMA/CSA101/I.S.2/A440. Exterior side-hinged doors shall be tested and labeled as conforming to AAMA/WDMA/CSA101/I.S.2/A440 or comply with Section 1709.5.2. Products tested and labeled as conforming to AAMA/WDMA/CSA101/I.S.2/A440 shall not be subject to the requirements of Sections 2403.2 and 2403.3.

1709.5.2 Exterior windows and door assemblies not provided for in Section

1709.5.1.

Exterior window and door assemblies shall be tested in accordance with ASTM E330. ...
Exterior window and door assemblies containing glass shall comply with Section 2403. The design pressure for testing shall be calculated in accordance with Chapter 16. Each assembly shall be tested for 10 seconds at a load equal to 1.5 times the design pressure."

### **Impact Performance**

Exterior glazed products installed in windborne debris regions, such as South Florida and certain other coastal regions, are required to be impact-resistant or protected with an impact-resistant covering meeting the requirements of an approved impact-resistant standard or ASTM E1996 and ASTM E1886 as follows. Per the 2015 IBC:

- "1. Glazed openings located within 30 feet (9144 mm) of grade shall meet the requirements of the large missile test of ASTM E1996.
- 2. Glazed openings located more than

30 feet (9144 mm) above grade shall meet the provisions of the small missile test of ASTM E1996."

In accordance with Chapter 2 of the IBC, a wind-borne debris region is defined as:

"Areas within hurricane-prone regions located:

- 1. Within 1 mile (1.61 km) of the coastal mean high water line where the ultimate design wind speed, Vult, is 130 mph (58 m/s) or greater; or
- In areas where the ultimate design wind speed is 140 mph (63.6 m/s) or greater."

### **Tools and Resources**

Vitro Architectural Glass offers a number of resources that can help you navigate your code questions related to glass and glazing products. Our team of dedicated experts also can help answer questions and get you on the right track to designing and specifying a structurally sound and safe building. Visit www. vitroglazings.com to learn more.

# Fit the bill—and the build.



### Capture clarity with new Acuity<sup>™</sup> Low-Iron Glass.

Meet the aesthetic demands of architects and the performance demands of owners, all for a modest investment. Developed to withstand value-engineering, new Acuity™ Glass by Vitro Architectural Glass (formerly PPG Glass) joins Starphire Ultra-Clear® Glass in the Vitro family of low-iron brands. An affordable low-iron option available with Solarban® solar control low-e coatings, Acuity™ glass offers vivid views with no green cast.

Request samples and learn more at vitroglazings.com/acuity



# Codes for Safety and Health

**Safety Regulations** 

Skyline Design fabricated Starphire® glass for the 1K Fulton project in Chicago. Glass Solutions Inc. was the contract glazier.

lass is central to most of the building-related codes in the United States, including residential, energy codes and fire codes, among others. The safety glazing codes are chief among these because they are focused on human life safety. Safety glazing codes are designed to preserve the lives of and/or reduce injuries to any individual who comes in contact with glass in a particular opening. Glass is one of the few building materials with some of its use regulated by the Federal government in addition to regulation by code groups. The Code

of Federal Regulations, Title 16 Commercial Practices, Chapter II Consumer Product Safety Commission (CPSC), Subchapter B-Consumer Product Safety Act Regulations, includes Title 16, part 1201—Safety Standard for Architectural Glazing.

### **Federal Regulations**

The CPSC regulations detail how to test and certify safety glass products used in architectural applications.

When first put in place in the 1970s, the Federal Code regulated the use of glass in doors and side panels. It did not address most other hazardous locations. That has changed over the years and today 16 CFR 1201 applies only to glass in doors; the International Building Code (IBC) produced by the International Code Council, regulates glass in other locations. It covers glass adjacent to a door or in the same plane as a door, glass in hazardous locations such as pools, spas, certain walking surfaces, shower enclosures, handrails, etc. Let's look at the Federal CPSC regulation first

# It generally requires safety glazing in:

- · Storm doors
- Combination doors;

# The Right One for Your Project



Goldray applied a digitally printed pattern to Starphire® glass used in Terminal 5 at the Chicago O'Hare Airport.

o for strength and breakage-resistance, tempered glass is often the first consideration. For flexibility, UV-resistance, security and sound considerations, laminated glass is often the product of choice. Both are considered safety glazing materials and can be obtained in a variety of thicknesses and colors or tints. Both are easy to clean and maintain when installed properly.

Typically, laminated glass products are slightly more expensive than tempered products of the same type and thickness. The optical clarity for both laminated and tempered glass is excellent, and either product will provide many years of satisfactory service in your application.



- Doors:
- Bathtub doors and enclosures;
- Shower doors and enclosures;
- Sliding doors, such as the patio type.

It has exemptions for:

- Louvers of jalousie doors;
- Certain wired glass applications;
- Carved, dalle or leaded glass if the glazing meets certain criteria.

# State and National Building Codes

Local and national building codes such as the IBC address glazing in hazardous locations.

### **Hazardous locations include:**

- Doors (though the language about doors is harmonized with the language in 16 CFR 1201);
- Glazing adjacent to doors;
- · Windows;
- · Glazing in guardrails and railings;
- Glazing near wet surfaces;
- Glazing next to stairways and ramps or next to a stairway landing.

# The IBC also covers glass in a variety of applications. Specifically:

- Chapter 24—Glass and Glazing 2405—Sloped Glazing and Skylights
- 2406—Safety Glazing
- 2407—Glass in Handrails and Guards
- 2408—Glazing in Athletic Facilities

 2409—Glass in Walkways and Elevators.

In rare cases, states and larger municipalities adopt their own glazing codes or modify those provided by the ICC.

### What is Safety Glass?

CPSC uses the testing procedures detailed in ANSI Z97.1-2015, the American National Standard for Safety Glazing Materials in Buildings-Safety Performance Specifications and Methods of Test to determine whether a particular glass is considered safety glazing or not.

ANSI Z97.1-2015 is a voluntary standard that codifies both performance specifications and testing methods for safety glazing. It also has two categories. CPSC Cat I glass is generally equivalent to ANSI Class B; CPSC Cat II is generally equivalent to ANSI Class A. Either terminology is acceptable.

The CPSC's Safety Standard defines two different types of safety glass—simply named Category I and Category II for their reference in the regulations. CPSC 16 CFR 1201-1 (Cat 1) defines safety glass as glass that is subject to human impact but has an area of less than or equal to 9 square feet. CPSC 16 CFR1201 -2 (Cat 2) defines glass used in any area greater than 9 square inches.

# Which Glasses are Safety Glasses?

When selecting safety glass for an application, whether decorative or functional, two choices often arise: tempered or laminated glass. Both qualify as "safety glazing materials" meaning they comply with the current safety glazing codes, so they can be used in doors, in sidelites, railings and other locations that may be deemed hazardous.

### TEMPERED (TOUGHENED) GLASS

Tempered glass is made by heating and cooling a piece of standard glass in a tempering furnace. The glass, which must be pre-cut and edged before going into the furnace, is heated to approximately 1200°F then cooled rapidly.

This process is also known as quenching. The quenching process leaves the glass hardened so that it is now approximately four to five times stronger, and therefore more resistant to breakage than it was before the tempering process. If it does break, tempered glass shatters into small pieces that are less likely to cause injury or damage than non-tempered glass.

### PROS AND CONS OF LAMINATED GLASS

Laminated glass basically is a glass sandwich. It is typically made of two or more lites of glass with a vinyl interlayer in between (sandwiched, if you will, as in a car's windshield). The glass will tend to stay together in case one lite is broken.

The other key advantages of laminated glass is that it blocks 99 percent of the UV-light transmission, has sound reduction properties, can be cut and its edges polished after laminating, and lead times are generally faster because most glass shops stock laminated glass. Certain thicker, multilayered forms of laminated glass can even qualify as burglar- and bullet-resistant glass.

Because laminated glass holds together after impact better than most other types of glass, it is used in modern windshields. The sandwiched interlayer gives the glass structural integrity and keeps it from shattering apart as tempered glass might. This is key for effective airbag deployment and helping to keep occupants inside the vehicle in the event of a crash.

# Codes for Birds and Marine Life

# **Nature's Regulations**

lazing products that can "go green" extend beyond those that can help increase the energy efficiency and performance requirements of buildings. Glazing products also can be beneficial in mitigating the potentially harmful impact to the surrounding environment, including wildlife.

### **Turtle Codes**

Coastal areas are prime locations for the use of large spans of glass. Lighting from inside homes and buildings onto shorelines, however, is an important design consideration, as it can be detrimental to nearby sea turtles.

The sea turtle nesting season in Florida runs from May through October. After hatchlings emerge, they head toward the light over the ocean, but, in many cases they are disoriented by the light inside homes and buildings along the beach and head the wrong way. This can be a danger to the hatchlings, which can die or be killed before finding their way to the ocean.

Because sea turtles are protected by the Federal Endangered Species Act of 1973, Florida Endangered and Threatened Species Act of 1977, and Florida's Marine Turtle Protection Act of 1995 (379.2431), the state of Florida developed a Model Lighting Ordinance for Marine Turtle Protection. This prohibits light from having a negative effect on nesting and hatching turtles. The ordinance requires that tinted glass be used on all windows and doors in new con-



BioSteel Centre in Toronto features AviProTek® bird-friendly glass by Walker Textures® glass, acid-etched on tinted Optiblue® glass and Solarban® R100 glass. Trulite was the glass fabricator.

struction of single or multi-story structures within line-of-sight of the beach.

Tinted glass, according to the ordinance, refers to "glass treated to achieve an industry-approved, inside-to-outside light transmittance value of 45 percent or less. Such transmittance is limited to the visible spectrum (400 to 700 nanometers) and is measured as the percentage of light that is transmitted through the glass."

Vitro Architectural Glass offers a number of products that can be used to meet these requirements. Combining a tinted substrate with one of the low-E coatings from Vitro Architectural Glass in an insulating glass unit (IGU), for example, creates many options that provide a visible light transmittance (VLT) of 45 percent or less.

For existing buildings, the ordinance lays out a number of measures to reduce or eliminate the negative effects of interior light coming from doors and windows within line-of-sight of the beach. These actions include updating windows to meet the 45 percent light transmittance requirements, applying tint or film that meets these same standards, and using window treatments, among other actions.

The 45 percent or less VLT is also beneficial in reducing glare and solar heat gain. Hurricane-rated glass also can be constructed to meet these requirements.

### **Bird-Friendly Glass**

Each year, more than 600 million birds die from collisions with glass in the United States alone. Although bird-friendly building regulations continue to increase in North America, glazing options have been limited.

Vitro Architectural Glass and Walker Glass have partnered to create

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AviProtek®E glass: a line of sustainable glass options that deliver both exceptional energy efficiency and bird safety, with minimal impact on VLT.

Experts agree that the best way to deter birds from striking glass is through visual markers on the #1 or outside surface of the glass. By combining a Walker AviProtek® acid-etched pattern on surface #1 with a Solarban® high-performance low-E coated glass by Vitro on surface #2 in an IGU, architects and building owners get an environmentally responsible glass that does double duty.

AviProtek® E glass is available in standard or custom patterns on clear or Starphire Ultra-Clear® glass by Vitro Glass, combined with Solarban® 60, Solarban® 67 or Solarban® 70XL solar control low-E glass coatings, exclusively from members of the Vitro Certified™ Network.

# Bird Safe Glazing Standards and Guidelines

### Published Standards or Guidelines:

- Toronto, Canada, Bird-Friendly Development Guidelines (2007)
- San Francisco, Standards for Bird-safe Buildings (2011)
- State of Minnesota, Sustainable Building 2030 (SB 2030); Energy Standards (2010)
- Cook County, Ill., Building Construction Ordinance (2008)
- Oakland, Calif., Bird Safety Measures (2013)
- Portland, Ore., Resource Guide for Bird-friendly Building Design (2012)
- State of California, Green Building Standards Code, Appendix C: Bird-friendly Building Design (2010)
- Calgary, Canada, Bird-Friendly Urban Design Guidelines (2011)
- San Jose, Calif., Bird Friendly Guidelines (2015)
- Vancouver, Canada, Bird Strategy and Bird-Friendly Design Guidelines and Bird-Friendly Landscape Operational Guidelines (2015)

# Proposed or Pending Standards or Guidelines:

- Federal Bird-Safe Buildings Act of 2011
- State of New York, Bird-friendly Buildings Act (2011)
- Sunnyvale, Calif., Bird Friendly Guidelines (2015)

# Bird-Friendly Glass Checklist



ot sure what to look for in bird-friendly glazing? These guidelines can serve as a starting point to help address and manage bird-window collisions. This checklist provides guidance on treatments and techniques for both new and retrofit construction.

### At Grade Conditions:

The bird-friendly treatment should be applied to at least 85 percent of the contiguous glass panel area if each panel area is greater than two square meters and within 16 meters from the finished grade.

### **Roof Landscape Conditions:**

The bird-friendly treatment should be applied to at least 85 percent of the contiguous glass panel area if each panel area is greater than two square meters and within 16 meters from the roof-level finished grade; the development should not contain any glass panel within 16 meters from the roof-level finished grade.

### Patterns (one or more should apply):

- **Stripes**: Horizontal strips are spaced less than 5 cm on center; vertical strip spacing is less than 10 cm on center; horizontal strip widths should be greater than 3.1mm; and vertical strip widths should be greater than 6.1mm.
- **Dots**: The dot size is larger than 5 mm; horizontal strip spacing is less than 5 cm on center; and vertical strip spacing is less than 10 cm on center.
- Specifications: The pattern should be applied as fritting or etching on the glass; and the pattern color should be a high contrast in relation to the background.



The bird-friendly glass in the Humber College Centre for Entrepreneurship in Toronto was fabricated by Trulite. The project incorporates AviProTek® bird-friendly glass by Walker Textures® glass, acid-etched on tinted Solarban® 70XL glass.

# Fire-Rated Glazing Codes

# **More Safety Regulations**

t first glance, fire-rated glass might not seem all that different than traditional glass products. Yet fire-rated glazing is very different in not only its composition, but also in how and where it can be used in building projects. Fire-rated glass is a life safety product, and its use is governed by the International Building Code (IBC). While regular glass breaks easily during a fire, fire-rated glass products are designed to stay in the opening, keeping smoke and flames away.

### A Closer Look

There are two types of fire-rated glass: fire-protective glass and fire-resistive glass. Fire-protective glass includes ceramics, specialty fire protective glass, and wired glass. It is tested to National Fire Protection Association (NFPA) 252/257 or Underwriters Laboratories (UL) 9/10B/10C and is designed to compartmentalize smoke and flames.

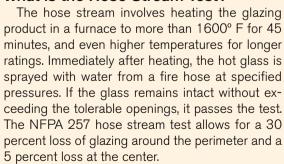


Fire-rated glass products can be used in a variety of applications, including building exteriors, such as The Kensington, located in Boston.

It does not radiate heat, and therefore is subject to application, area and size limitations under the IBC. Fire-protective glass typically is used in doors and openings up to 45 minutes (see box on page 19) and cannot exceed 25 percent of the total wall area. It can be used in 60- and 90-minute doors, but is limited to 100 square inches. Fire-protective glass is marked with either a D for door or O for openings. If it meets the hose stream test (see box on left) it will be marked with an H.

Fire-resistive glass is tested to American Society for Testing and Materials (ASTM) E-119/UL 263 and is designed to compartmentalize smoke and flames and limit radiant heat transmission. Unlike fire-protective glass, fire-resistive glass doesn't have size or application restrictions. When installed within an equally rated fire-resistive framing system, it can be used in wall-to-wall and floor-to-ceiling applications, and is considered a "transparent wall." This type

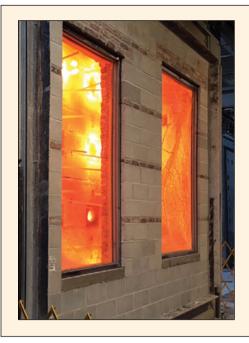
### What is the Hose Stream Test?



NFPA 251, ICC model codes and ASTM E-119 exclude fire-rated construction of less than one hour from the hose stream test requirement; 45-minute glazing, which is limited to no more than

25 percent of the total wall area, must pass the hose stream test. Twenty-minute glazing products are exempt.

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### **Passing the Test**

Fire-rated glazing products are required to undergo a fire-endurance rating test, which is conducted in a nationally recognized testing laboratory. During the test, the fire-rated glass is placed in a test furnace where it follows a specific time and temperature curve that mimics the normal progression of a fire. Temperatures in the furnace can reach up to 1900° F. If the specimen remains in the frame with no through openings and limits flames, it is certified with a fire-endurance rating of either 20, 45, 60, 90, or 120 minutes, depending on what it passes.

of glass is marked with a W for walls. Because the code recognizes it as a wall, it can be used in place of gypsum or masonry where a one- or two-hour fire-resistive rating is required. It also can be used in glass floor applications as fire barriers and fire-resistance-rated horizontal assemblies. Examples include fire-resistive tempered and multi-laminates. During a fire, the intumescent interlayers expand and react to the heat, forming a solid wall that contains smoke. flames and limits the transmission of radiant heat significantly. This helps provide building occupants a safe path of egress.

### Codes to Know International Building Code (IBC), Chapter 7, Fire-Resistance Rated Construction

Per the IBC, this chapter governs "the materials and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings."

# NFPA 252: Standard Methods of Fire Tests of Door Assemblies

This standard outlines methods of fire-testing door assemblies used by testing labs and manufacturers to determine the assembly's degree of fire protection, as well as it suitability when fire resistance of a specific duration is required.

### NFPA 257: Standard on Fire Test for Window and Glass Block Assemblies

This document establishes test protocols to measure how well window and glass block assemblies prevent or slow the spread of fire. It provides a standardized method for comparing the relative performance of different fire window assemblies.

# UL 9, Standard for Fire Tests of Window Assemblies

These fire test methods apply to window assemblies for use in the protection of openings in vertical fire-resistive assemblies.

# **UL 10B, Standard for Fire Tests** of Door Assemblies

These fire test methods apply to door assemblies of various materials and types of construction for use in wall openings to delay the passage of fire.

### UL 10C, Standard for Positive Pressure Fire Tests of Door Assemblies

These fire test methods apply to swinging door assemblies, including door frames with lites and panels, of various materials and types of construction for use in wall openings to delay the passage of fire. Swinging door assemblies, when not part of a larger assembly (such as a sliding fire door), or when used as an elevator entrance, are not included.

# UL 263, Standard for Fire Tests of Building Construction and Materials

These fire tests apply to masonry unit assemblies and to composite assemblies of structural materials for buildings, including bearing and other walls and partitions, columns, girders, beams, slabs, and composite slab and beam assemblies for floors and roofs. They also apply to assemblies and structural units that constitute permanent integral parts of a finished building.

### ASTM E-119, Standard Test Methods for Fire Tests of Building Construction and Materials

These test methods apply to assemblies of masonry units and to composite assemblies of structural materials for buildings, including load-bearing and other walls and partitions, columns, girders, beams, slabs and composite slab and beam assemblies for floors and roofs. They also apply to other assemblies and structural units that constitute permanent integral parts of a finished building. The test methods evaluate the duration for which these building elements contain a fire, retain their structural integrity or exhibit both properties during a predetermined test exposure.

# Glass Education



The Nemours/Alfred I. duPont Hospital for Children in Wilmington, Del., features Solarban<sup>®</sup> 60 Azuria<sup>®</sup> and Solarban<sup>®</sup> 70XL glasses fabricated by Cristacurva and Oldcastle BuildingEnvelope<sup>®</sup> and installed by RA Kennedy.

lass is one of the most sought-after building materials in today's architectural market, and for good reason. Not only is it aesthetically pleasing, but it also provides plenty of high-performance features and benefits. With so many product options available—and hundreds of building code requirements driving what to use when and where—it's common to have questions. To help architects navigate their glass and glazing product selections, Vitro Architectural Glass has developed a series of online tools to make design and specification easy for your next project.

Start by taking a look at the online Vitro Glass Education Center, a comprehensive website to help architects, specifiers, students and construction industry professionals learn more about designing, specifying and building with glass. It is divided into three sections; Glass Topics, Glass FAOs and a Glossary and includes a comprehensive mix of informative videos, colorful illustrations and educational features that address issues such as preventing thermal glass breakage, specifying large insulating glass units (IGUs), how low-emissivity (low-E) glass works, and how heat-treated glass differs from heat-

strengthened glass.

By hovering over the Glass Topics section, visitors will see numerous articles such as "How Glass is Made," "The Benefits of Designing with Reflective Glass," and "How to Prevent a Thermal Break."

These topics and many more are all important when researching a new project. There is also an article titled "Why Specify Which Type of Glass?" and a slide show that highlights the different types of glass, and what is appropriate to use in various architectural situations.

# The Vitro Glass Education Center

### **Spec Check**

One unique feature of the Education Center is the Spec Check tool, a helpful resource for checking glass specification. Correct specifications are extremely important to ensure projects are designed correctly and that the proper codes and standards are followed. The Spec Check can be used on every project, to make sure products that meet specifications are chosen correctly.

### **Architectural Glass Tools**

Another resource available from Vitro is its online Architectural Glass Tools. This unique feature offers four tools to help architects select the right glass for their projects, including the Search Products Tool, Construct Tool. Thermal Stress Analysis Tool and more. These tools allow architects to compare and assess different products, while learning more about Vitro's many glass options.

### **Construct Tool**

With the Construct Tool from Vitro Architectural Glass, users can quickly generate 3-part specifications in the Construction Specifiers Institute (CSI) format, the basis for all building construction documentation in North America.

The tool allows users to search. construct and compare virtual configurations for monolithic glazings, multi-pane insulating glass units, decorative glasses and spandrel glasses. With the new feature, they can generate, with a single keystroke or mouse-click, industry-standard 3-part CSI specifications for any such configuration they create using



Vitro offers a number of online educational resources to help architects and specifiers find the right glass products for their projects.

the Construct Tool, as long as it contains 100-percent Vitro Glass products.

"Our Construct Tool is widely used because it enables architects and industry professionals to save time by comparing multiple glazing configurations online for performance and aes-

thetics," says Steve Marino, technical support manager, Vitro Architectural Glass. "The new feature makes the Construct tool even more versatile and valuable by instantly generating required construction documents for those configurations as well."

The 3-part CSI specification lists performance data for individual glazing configurations such as glass thickness, visible light transmittance, interior and exterior reflectance, winter nighttime u-value, solar heat gain coefficient and light-to-solar gain ratio. It also contains descriptions for the glass products used in the glazing configuration, along with related

certification standards, testing and compliance requirements, sourcing information and more.

The Construct tool incorporates several other exclusive features including:

- · Password-free access to the Lawrence Berkeley National Laboratory International Glazing Database for use with the WINDOW 7.3 software: and
- The ability to customize reports according to user-defined criteria, and to personalize them with the name of a building project, the logo of the architectural firm and other user-provided artwork.

**II** www.vitroglazings.com

# Information

American Architectural Manufacturers Association (AAMA)	
American Bird Conservancy (Bird-friendly codes)	www.abcbirds.org
American National Standards Institute (ANSI)	www.ansi.org
American Society of Civil Engineers (ASCE)	www.asce.org
American Society of Heating Refrigerating and Air-Conditioning En	gineers (ASHRAE)www.ashrae.org
American Society of Testing Materials (ASTM)	www.astm.org
ANSI Z97.1 Safety Glazing Materials Used in Buildings - Safety Performance Specifications and Methods of Test	www.ansiz97.com/standard/
Consumer Product Safety Commission (CPSC)	
Canadian Standards Association (CSA)	www.csagroup.org
Florida Administrative Codes and Administrative Register (Turtle-Friendly Codes)https://www.f	
Ask the Glass Detective, Glass.com®	www.glass.com
International Code Council (ICC)	www.iccsafe.org
Insulating Glass Certification Council (IGCC)	www.igcc.org
Insulating Glass Manufacturers Alliance (IGMA)	www.igmaonline.org
International Standards Organization (ISO)	
Leadership in Energy & Environmental Design (LEED)	www.leed.usgbc.org
National Fire Protection Association (NFPA)	www.nfpa.org
National Fenestration Rating Council (NFRC)	
Safety Glazing Certification Council (SGCC)	www.sgcc.org
Underwriters Laboratories (UL)	www.ul.com
Vitro Glass Education Center	www.vitroglazings.com
Window & Door Manufacturers Association (WDMA)	www.wdma.com



The Phipps Conservatory and Botanical Gardens, Center for Sustainable Landscaping in Pittsburgh features Vitro Architectural Glass Products.

**NOTE:** The publisher does not provide design, code, material or engineering advice. This material has been prepared for informational purposes only, and is not intended to provide, and should not be relied on for design, code, engineering or any other advice. You should consult your own advisors before engaging in any project.



Humber College Centre for Entrepreneurship in Toronto incorporates AviProTek® bird-friendly glass by Walker Textures® glass, acid-etched on tinted Solarban® 70XL glass.

# Resources:

### ANSI

1899 L Street, NW, 11th Floor Washington, DC 20036

### **ANSI z 97.1**

http://www.ansiz97.com/standard/

### **ASTM**

100 Barr Harbor Drive P.O. Box C700 West Conshohocken, PA 19428-2959

# Florida Administrative Code & Florida Administrative Register, Model Lighting Ordinance for Marine Turtle Protection

https://www.flrules.org/gateway/ ChapterHome.asp?Chapter=62b-55

### Glass.com

20 P G A Dr., Suite 201 Stafford, VA 22554

# U.S. Consumer Product Safety Commission

U.S. Code of Federal Regulations, Title 16 Volume 2, Consumer Product Safety Commission 16 CFR 1201 4330 East West Hwy. Bethesda, MD 20814

# Common Acronyms

<b>Abbreviation</b>	Full Name	Website
AAMA	American Architectural Manufacturers Association	www.aamanet.org
	American National Standards Institute	
ASCE	American Society of Civil Engineers	www.asce.org
	American Society of Heating Refrigerating and Air-Conditioning Engineers	
	American Society of Testing Materials	
	Consumer Product Safety Commission	
	Canadian Standards Association	
	International Code Council	
IGCC	Insulating Glass Certification Council	www.igcc.org
ISO	International Standards Organization	www.iso.org
LEED	Leadership in Energy & Environmental Design	www.leed.usgbc.org
NFPA	National Fire Protection Association	www.nfpa.org
	National Fenestration Rating Council	
SGCC	Safety Glazing Certification Council	www.sgcc.org
	Underwriters Laboratories	
WDMA	Window & Door Manufacturers Association	www.wdma.com



# Accept no substitutes.

See the beauty – not the glass – only with Starphire® glass

**Don't accept imitations**. Only *Starphire Ultra-Clear*® Glass by Vitro Architectural Glass (formerly PPG Glass) allows views so brilliant, you'll forget the glass is even there. For interiors, exteriors as well as heavy and safety glass applications in thicknesses up to ¾ inch, no low-iron glass consistently maintains its transparency, color fidelity, vivid beauty and distinctive blue edge like *Starphire*® glass.

Request samples at www.starphireglass.com







# Birmingham Planning Board Proceedings June 9, 2021

**ROLL CALL VOTE** 

Yeas: Williams, Share, Koseck, Clein, Whipple-Boyce, Jeffares, Emerine

Nays: None

### 2. Public Hearing — Glazing Standards

PD Ecker reviewed the item. She noted that 'low iron content' in the change to Article 9, Section 9.02 – Definitions should be struck per previous Board discussions.

### **Motion by Mr. Share**

Seconded by Mr. Williams to recommend to the City Commission amendments to Sections 3.04, 4.90, and 9.02 of the Zoning Ordinance to change the definition of clear glazing and to amend the glazing standards as recommended by staff in the evening's agenda packet.

### Motion carried, 7-0.

**ROLL CALL VOTE** 

Yeas: Share, Williams, Clein, Whipple-Boyce, Jeffares, Emerine, Koseck

Nays: None

06-079-21

### **G. Miscellaneous Business and Communications:**

- a. Communications
- **b.** Administrative Approval Correspondence
- c. Draft Agenda for next meeting
- d. Other Business

PD Ecker updated the Board about potentially moving from virtual to hybrid live-virtual meetings in the near future.

Brief informational replies regarding other Board member inquiries were also provided.

06-080-21

### **H. Planning Division Action Items**

- a. Staff Report on Previous Requests
- b. Additional Items from tonight's meeting

06-081-21

### I. Adjournment

No further business being evident, the Chair adjourned the meeting at 9:10 p.m.

### Birmingham Planning Board Proceedings April 14, 2021

Chair Clein concurred with Mr. Jeffares' recommendation regarding wall- or facade-mounted solar panels.

Mr. Boyle asked if there was any near-future technology the ordinance should address.

Chair Clein said that strips of solar panels being used to line bicycle paths was being tried in Europe, but that wide-spread implementation would not be in the near future.

In reply to Mr. Share, CP Dupuis said he did not recommend screening for ancillary equipment because it would increase the difficulty of installation and maintenance. CP Dupuis noted this ordinance review was being conducted with an aim towards reducing the impediments to using solar panels in the City. He added that users of solar panels also needed quick access to disconnect features.

Mr. Share recommended that the ordinance states that users of solar panels are not exempt from screening otherwise required by the Zoning Ordinance.

CP Dupuis said he could update the recommended ordinance language with the Board's comments and have it ready for a public hearing on May 12, 2021.

### Motion by Mr. Boyle

Seconded by Mr. Jeffares to set a public hearing on solar panel regulations ordinance language for the regular Planning Board meeting of May 12, 2021.

### Motion carried, 7-0.

**ROLL CALL VOTE** 

Yeas: Boyle, Jeffares, Whipple-Boyce, Clein, Ramin, Share, Koseck

Nays: None

### 2. **Glazing Standards**

CP Dupuis summarized the item.

Mr. Share said he had recent occasion to purchase some low-iron glass, and that it added about 15% to the cost. He stated that he found the difference between low-iron and regular glass to be **visually** immaterial. He suggested that the low-iron requirement be removed from the recommended language, saying he thought it inappropriate to burden owners and developers with the extra cost.

Mr. Koseck and Ms. Whipple-Boyce, two other members of the Board familiar with glazing standards from their professions, did not dispute Mr. Share's recommendation when asked.

### Motion by Mr. Share

Seconded by Ms. Whipple-Boyce to set a public hearing on Article 9, Section 9.02 Definition of Clear Glazing as presented without the reference to low-iron content for the regular Planning Board meeting of May 12, 2021.

### Motion carried, 7-0.

**ROLL CALL VOTE** 

Yeas: Share, Whipple-Boyce, Clein, Ramin, Koseck, Boyle, Jeffares

Nays: None

### 04-053-21

### **G. Miscellaneous Business and Communications:**

### a. Communications

PD Ecker reminded the Board that the Commission would be holding a special meeting regarding the 2040 Master Plan on April 19, 2021 and that the Board had been asked to attend.

### **b.** Administrative Approval Correspondence

CP Dupuis explained that the owner of EM Bistro wanted to change their outdoor dining chairs to sculptural, white ones constructed of polypropylene. CP Dupuis noted that while polypropylene would not usually be considered a high-enough quality material for outdoor bistro chairs, these chairs differed significantly from standard plastic seating.

Mr. Koseck said the ordinance's main concern regarding the materials for outdoor bistro seating is longevity. He said that these chairs would withstand the elements and would not likely have longevity issues.

The Board, with the exception of Chair Clein, endorsed allowing an administrative approval for the request. Chair Clein's dissent arose from a dislike of the chairs and concern regarding their recyclability.

CP Dupuis said he would proceed with an administrative approval of the request.

CP Dupuis then asked the Board how the matter of outdoor dining decks should be addressed once the Covid-19 guidelines for outdoor dining decks in the City expire.

Mr. Boyle said the City should decide on a more comprehensive approach to how outdoor dining should interact with the streetscape in Birmingham over the next five to ten years before specific design guidelines for outdoor dining should be created.

Mr. Jeffares noted that the Board would need to come up with an answer quickly in order to have recommendations ready for Fall 2021.

# Birmingham Planning Board Proceedings July 22, 2020

There were no changes to the agenda.

07-89-20

### E. Study Session Items

### 1. Glazing Requirements

City Planner Dupuis reviewed the item and Kreg Hatfield, from Guardian Glass, was present to answer questions.

### Mr. Hatfield explained that:

- All manufacturers calculate VLT and reflectivity percentages in the same way.
- Most people would be unlikely to notice the difference between 66% and 80% VLT.
- When glass gets into the range of 40-50% VLT it tends to begin to look less clear. Tinting would reduce the VLT even further.
- The glass make-up at the Brookside development and the glass make-up at the Daxton Hotel have identical coatings on the glass. The difference is that the Brookside development used a basic clear glass while the Daxton used a low iron glass. The Brookside glass has a VLT of 68% and the Daxton has a VLT of 70% because removing some iron makes glass a bit more clear.
- Glass can be rated in terms of reflectivity both from the inside-out and from the outsidein. It is important to keep those percentages about the same.
- For basic, first floor applications the ordinance should include language about prohibiting tinted glass. There would be no way for property owners to meet the proposed ordinance requirements if they have both tinted glass and low-e coating.
- There would likely be no need to mention low iron glass because it would meet ordinance requirements should a property owner choose to use it. Low iron glass tends to cost significantly more than regular clear glass. It also tends to be a bit more efficient in terms of retaining the heating and cooling of the building's interior.
- Clear glass tends to have a bit of a green hue versus low iron glass. For protection three coats of silver were added to the library windows' glass, and those layers of silver also add a bit of a greenish hue. If the library had used low iron glass with the same layers of silver the green tint would still be present but not as substantially.
- Low iron glass is widely enough available that no property owners would have a difficult time sourcing it should it be required by ordinance. Cost would be the biggest reason not to require low iron glass via ordinance.
- He has not heard of any municipality requiring low iron glass in their ordinances.
- Any glass sample from an architect submitted to the City should specify whether it is low iron glass.
- The Brookside development is the best example of what kind of glass would be permissible under the proposed ordinance language. Brookside's glass is regular clear glass and not low iron.

Mr. Share said the Board should probably not require low iron glass, especially in a time when the City is trying to help retailers weather the financial impacts of the Covid-19 pandemic.

In reply to Mr. Koseck, Planning Director Ecker stated that the ordinance does not specify how many feet from a window shelving must be placed. She said there could be some value in adding that to the ordinance.

City Planner Dupuis said it might also be worthwhile to consider a vertical height limit for shelving if a horizontal one is added.

Mr. Koseck suggested that some of the language could be clarified in Article 3, Section 3.04 of the ordinance. He said 'bronze' should probably be struck from that section.

Ms. Whipple-Boyce concurred with Mr. Koseck regarding removing the word 'bronze'. She said she agreed that it might be useful to have a horizontal distance requirement for how far shelving must be from a window. She said a typical aisle's width might be the appropriate distance. She said it would also be helpful to know the cost difference between low iron and clear glass.

City Planner Dupuis asked how the Board might want a horizontal distance requirement to deal with retail items displayed in a window.

Ms. Whipple-Boyce said that if retailers displayed their merchandise attractively in their windows she would be supportive of that.

Mr. Williams said the Board should come up with language regarding displaying merchandise in windows and shelving before it goes to a public hearing.

In reply to Chairman Clein, Planning Director Ecker said that the ordinance's current restrictions against shelving in the windows work well and are generally enforceable. She said that any examples that seem to be in egregious violation of that standard tend to have existed before the ordinance went into effect.

Mr. Jeffares recommended the Board conclude its discussion about glazing without trying to presently integrate new topics. He noted the Board had been studying glazing for months and had worked hard to prepare for the review, and thought the other topics being raised deserved a similar amount of thoroughness at a future date.

Mr. Koseck said he would be fine with Mr. Jeffares' recommendation that questions of shelving and merchandising in windows be discussed further at a later date.

The Board asked Planning Director Ecker to add 'no tint' and 'low iron glass' to the definition of clear glazing, with the understanding that 'low iron' could possibly be removed after discussion at the public hearing.

### Motion by Ms. Whipple-Boyce

Seconded by Mr. Koseck to set a public hearing on August 26, 2020 to consider Zoning Ordinance amendments to Article 3, Section 3.04(E), Article 4, Section 4.90(A) and Article 9, Section 9.02 to change the Clear Glazing standards and definition to require low iron glass, no tint, to relax the Visual Light Transmittance requirements and to add reflectivity requirements.

# Mr. Share said he was in favor of moving the topic to a public hearing and not in favor of mandating low iron glass.

### Motion carried, 6-1.

**ROLL CALL VOTE** 

Yeas: Whipple-Boyce, Koseck, Williams, Boyle, Clein, Jeffares

Nays: Share

Mr. Boyle echoed Ms. Whipple-Boyce's previous statement that the Board should have comparative costs for low iron and clear glass to review. He said the Board should be aware how a low iron requirement might be layering on costs to development in the City.

Chairman Clein thanked Mr. Hatfield for sharing his expertise with the Board.

### 2. Solar Panel Review Process

City Planner Dupuis reviewed the item.

Ms. Whipple-Boyce said she recently encountered a large solar battery in some work she was doing in another community, and cautioned that the Board might not want to allow any and all ancillary equipment for solar panels to be outside the home given the potential range of sizes.

Mr. Williams said he was fine with solar panels but might be less fine with ancillary equipment on the side of a home given that it might be more prominent in a neighbor's view.

City Planner Dupuis asked if Mr. Williams would prefer the ancillary equipment to be mounted only to the rear of the home, or to possibly be screened in some way.

Mr. Williams said he was not sure what the best approach would be. He said he thought it would depend on the house, the location of the neighboring properties, and the type of equipment.

Planning Director Ecker said that moving the equipment to the rear of a home would have the benefit of being further from a neighbor's yard because of the greater required setback. She noted that, in contrast, equipment on the side of a home might be only five feet from the property line.

Ms. Whipple-Boyce agreed that placement would depend on the size of the equipment. She said that a small electric meter or connection into the house to the battery need not be limited to the rear or interior of a home, whereas larger equipment should be. She said that the Board could likely specify appropriate locations with more information on the most commonly used kinds of equipment.

City Planner Dupuis said he could find pictures of the City's most recent solar panel approvals to provide the Board with a better sense of the size of the ancillary equipment.

# Birmingham Planning Board Proceedings January 8, 2020

 Ground mounted solar panels could enable residents who do not want to mount panels on their roof to still have access to some solar power. Ground mounted solar panels would also allow businesses to use solar-powered trash compactors.

Ms. Whipple-Boyce said that she did not yet know enough about ground-mounted solar panels, but that if the City proceeded toward allowing them she would prefer that their allowable yard coverage be calculated by percentage and not by a set amount. She also told City Planner Dupuis that there had been a conversation regarding wind energy facilities about ten years hence, and that if he could find the minutes from that conversation it might help provide some useful information on the topic.

Mr. Koseck said the Board might want to consider not allowing solar panels at grade because it could encourage residents to do away with any greenery that could get in the way of the panels. He also said that 40 square feet of solar panels on the ground might not be enough to generate a worthwhile amount of energy. Mr. Koseck added that solar panels are impervious which would also raise ordinance issues in terms of ground cover. Since most people would likely rather not install solar panels at grade anyways, Mr. Koseck said he would just as soon prohibit it to avoid these issues since the potential environmental gain would likely not be significant in those cases.

Mr. Jeffares echoed Mr. Koseck's concerns about ground mounted solar panels and said he would prefer to continue studying that possibility and whether it would be worthwhile.

Ms. Ramin noted that on page 625, in section G, the phrase "If a wind energy facility has not been removed within 30 days a deadline specified by the City" would need to be clarified.

Mr. Share noted that on page 621, Item F, the word should be 'complemented', not 'complimented'. He agreed with Mr. Koseck and Mr. Jeffares that ground mounted solar panels were likely not necessary to pursue at this time.

Chairman Clein expressed agreement with Mr. Koseck, Mr. Jeffares, and Mr. Share regarding ground mounted solar panels.

In reply to Chairman Clein, City Planner Dupuis said he would do more research on the benefits and drawbacks of the anti-reflective coating some other cities' ordinances require for solar panels.

### 4. Glazing Standards

City Planner Dupuis presented the item.

Mr. Koseck said he had a list of two or three people he would be reaching out to soon who might be able to contribute meaningfully to the glazing standards conversation. He said that once he had done that he would loop City Planner Dupuis in as appropriate.

Chairman Clein explained that in February 2020 and April 2020 there will only be one Planning Board meeting per each month and that both of those meetings are dedicated to master plan discussion. He suggested that Board members look at their calendars to see if a special meeting could be scheduled to wrap up some of these other study session topics. He added that even if

the Board moved forward with a resolution on this item during the present meeting, due to noticing requirements the public hearing would not occur until the second meeting in March 2020. Chairman Clein recommended the Board take the time to do adequate research, as a result, before moving further forward on this.

Mr. Emerine suggested it might be worthwhile to speak with glass contractors in addition to glass vendors in order to get more insight.

Planning Director Ecker said she would recommend reaching out to a mechanical engineer, a glass vendor or supplier, and a glass contractor or installer.

City Planner Dupuis confirmed he would reach out to people who work with glass regularly in architectural settings and would return to the Board with further information.

### 01-06-20

### **G.** Miscellaneous Business and Communications:

- a. Communications
- **b.** Administrative Approval Correspondence
- c. Draft Agenda for the next Regular Planning Board Meeting (January 22, 2020)
  - Whistle Stop Design Review
  - 35001 Woodward Amended CIS and Amended Preliminary Site Plan
  - Fred Lavery Porsche SLUP
  - Two small solar panel items

# d. Other Business – Discuss amending Rules of Procedure for January 22, 2020 meeting

### Motion by Ms. Whipple-Boyce

Seconded by Mr. Share to amend the Rules of Procedure for the Planning Board's January 22, 2020 meeting to allow for the review of the above items as described by Planning Director Ecker.

### Motion carried, 7-0.

**VOICE VOTE** 

Yeas: Whipple-Boyce, Share, Emerine, Clein, Jeffares, Ramin, Koseck

Nays: None

Abstain: Emerine, Ramin

# Birmingham Planning Board Proceedings November 13, 2019

Planning Director Ecker told Mr. Arpin that the D5 study is available to the public in previous Planning Board agendas posted on the City's website.

In reply to a request by Mr. Arpin, Chairman Clein asked that the City Manager and City Commission consider whether it might be useful to provide the D5 study on thebirminghamplan.com website as well.

Mr. Arpin shared his gratitude for the Board's thoroughness when discussing a CIS, and expressed concern that, in his opinion, the Board was not proceeding as thoroughly when discussing potential zoning changes that would impact a three or four block area of the City.

Chairman Clein thanked Mr. Arpin for his comments.

Patrick Howe, attorney representing the Birmingham Place Condo Association, spoke. He reviewed the minutes from the February 13, 2017 City Commission meeting minutes in order to highlight the original intent of the D5 ordinance. Mr. Howe argued that the only piece of property that was both abutting and adjacent was the south strip next to the 555 Building. He noted that the entire transcript of the D5 portion of the February 13, 2017 City Commission meeting was 18 minutes long, and echoed Mr. Arpin's assertion that more discussion is merited before an amendment to the D5 ordinance is considered.

### **Motion by Mr. Share**

Seconded by Mr. Williams to set a public hearing for December 11, 2019 for the two proposed ordinance amendments to Article 3, section 3.04 (A) and Article 9, Definitions, Section 9.02 as presented on pages 132 and 133 of the Board's November 13, 2019 agenda.

Duraid Markus, owner of 469-479 S. Old Woodward, asked whether an adjacent building's height would be calculated from the height of the closest point of a building, which could be five stories, for example, or from the highest part of a building as a whole, which could extend to nine stories on the far side of a building.

Planning Director Ecker confirmed for Mr. Markus and for Michele Prentiss that a building's height is calculated based off of a building's overall height, and not just the height of the closest part of the building.

### Motion carried, 7-0.

VOICE VOTE

Yeas: Share, Williams, Whipple-Boyce, Boyle, Clein, Jeffares, Koseck

Nays: None

### 2. **Glazing Standards**

City Planner Dupuis presented the item.

Ms. Whipple-Boyce confirmed based on her research that the 80% VLT glass required in the City's ordinance causes much more heat loss and gain depending on the seasons, increases the cost of heating and cooling the building, could change the capacity of the HVAC to make up for that gain and loss, and that those facts will remain true as long as 80% VLT is required. She said that people in the industry she spoke with advised that if the VLT requirement is lowered to 68% those issues could be mitigated. She said determining how to accommodate low-e glass will have environmental benefits in addition to the benefits it would bring developers and builders.

Mr. Share and Ms. Whipple-Boyce both wondered about possible differences between one manufacturer's 68% VLT glass and another's.

City Planner Dupuis and Planning Director Ecker said they would return with more information on the topic for the Board's next meeting.

In reply to Mr. Boyle, City Planner Dupuis explained glass professionals advised staff that only the VLT and the reflectivity affect the transparency of glass, which is why the recommended wording only mentions those two criteria.

In reply to Chairman Clein, City Planner Dupuis said he could do further research on what other Michigan cities require for VLT since the table with VLT figures included in this item was produced sometime in 2017.

In reply to Chairman Clein, Planning Director Ecker said she would try to find someone who could provide the City with more insight into the various considerations at play in this discussion.

Ms. Whipple-Boyce stressed the environmental impact of this decision and said the decision should move towards the highest VLT glass that does not lead to negative environmental results.

### 3. Master Plan Review

Planning Director Ecker presented the item.

Chairman Clein thanked Planning Director for putting together the proposed schedule.

Subsequent to discussion, Board consensus was that they would schedule the master plan discussions for regular study session meetings beginning in January 2020 and running through May 2020. Notes would be provided to DPZ after each study session. The Board agreed to start those study session meetings at 7 p.m. instead of 7:30 p.m.

Planning Director Ecker noted that a member of the public could always provide their feedback on a previous meeting's topic as well.

Ms. Whipple-Boyce recommended creating an insert with the schedule of these meetings to mail out to all Birmingham residents in the City's 2020 calendar. She advocated for allowing staff to determine the most appropriate division of the master plan topics over the four or five study sessions.



## **MEMORANDUM**

**Planning Division** 

**DATE:** July 26<sup>th</sup>, 2021

TO: Tom Markus, City Manager

FROM: Nicholas Dupuis, City Planner

APPROVED: Jana Ecker, Planning Director

SUBJECT: Public Hearings for Zoning Amendments to Sections 4.09 and 4.88 of

Chapter 126, Zoning - Solar Electric Systems

### INTRODUCTION:

In 2009, the City Commission adopted ordinance language permitting solar panels on structure roofs in all zoning districts throughout the City. Since its adoption, there have been many solar panels installed across the City, and several in the process of being approved by the Planning Board and/or Planning Division.

### **BACKGROUND:**

On May 22<sup>nd</sup>, 2019, the Planning Board discussed the evolution of solar panels and their perception that aesthetics are no longer an issue that should require a full Design Review by the Planning Board. The Board members also revisited a suggestion that was discussed in 2009, which was to waive fees for solar panel applications to encourage alternative energy use and sustainability.

On June 17<sup>th</sup>, 2019, the Planning Board and City Commission discussed the potential for ordinance amendments to simplify the review process for solar panels. During the meeting, a consensus was reached that the City's solar ordinance was in need of an update.

On January 8<sup>th</sup>, 2020, the Planning Board reviewed revised ordinance language and directed staff to make a few minor revisions and clarifications which involved the removal of ground mounted solar facility standards and adding language for anti-reflective coatings.

On July 15<sup>th</sup>, 2020, the Planning Board reviewed the revised language a second time and made a request to learn more about ancillary equipment and what types of such may be placed on a home, and where it may be commonly placed.

On April 14<sup>th</sup>, 2021, the Planning Board motioned to set a public hearing on May 12<sup>th</sup>, 2021 to amend the alternative energy ordinance, which was rescheduled to June 9<sup>th</sup>, 2021 due to Eid al-Fitr. The Planning Board also requested that language be added to preclude wall of façade-mounted solar panels due to the potential issues with aesthetics and neighboring properties.

On June 9<sup>th</sup>, 2021, the Planning Board motioned to recommend approval to the City Commission amendments to Section 4.09 of the Zoning Ordinance to remove roof-mounted solar electric systems from that section and to also amend Section 4.88, regarding alternative energy, to add amended solar energy system requirements and to reorganize the wind energy requirements without changing them.

### LEGAL REVIEW:

The City Attorney has reviewed the documentation and has no concerns.

### FISCAL IMPACT:

The proposed amendments do not have any direct fiscal impacts to the City.

### PUBLIC COMMUNICATIONS:

As required for proposed Zoning Ordinance amendments, a legal ad was placed in a newspaper of local circulation to advertise the proposed amendments to the Zoning Ordinance in advance of the June 9<sup>th</sup>, 2021 Planning Board meeting. A second legal ad was also be placed in a newspaper of local circulation to advertise the public hearings at the City Commission.

### SUMMARY:

The Planning Board recommends that the City Commission consider ordinance amendments to Article 4 to amend the Roof Mounted Solar Electric System standards.

### ATTACHMENTS:

- Draft Ordinance language
- Planning Board Staff Reports
- Relevant Minutes

### SUGGESTED RESOLUTION:

To approve the following amendments to Chapter 126, Zoning:

- 1. Article 4, Section 4.09 (Essential Services) to remove Roof Mounted Solar Electric Systems; and
- 2. Article 4, Section 4.88 (Alternative Energy) to add amended Roof Mounted Solar Electric Systems language.

### CITY OF BIRMINGHAM

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE SIGN ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 4, SECTION 4.09, ESSENTIAL SERVICES, TO REMOVE ROOF-MOUNTED SOLAR ELECTRIC SYSTEMS

4.09 ES-01

This Essential Services Standards section applies to the following districts:

B1 B2 B2B B2C B3 B4 MX 01 02 P PP R1 R1A R2 R3 R4 R5 R6 R7 R8 TZ1 **TZ2** TZ3

The following essential services standard applies:

A. <u>Essential Services</u>: Essential services shall be permitted as authorized and regulated by law and other ordinances of the city and are exempt from the application of the Zoning Ordinance.

### B. Roof-Mounted Solar Electric Systems:

- 1. Roof-mounted solar panels are permitted on buildings and structures in all zoning districts and may include integrated solar panels as the surface layer of the roof structure with no additional apparent change in relief or projection, or separate flush mounted solar panels attached to the roof;
- 2. Separate, non-integrated flush-mounted solar panels shall be located on a rear- or side-facing roof, which do not front any street, unless such installation is proven to be ineffective or impractical. If installation is not practical on a rear- or side-facing roof, any other placement in all zoning districts shall be subject to a Design Review by either the Planning Board (non-historic properties) or the Historic District Com- mission (historic properties);
- 3. Separate flush-mounted solar panels installed on a building or structure with a sloped roof surface shall not project vertically above the peak of the roof to which it is attached, or project vertically more than five (5) feet above a flat roof installation; and
- 4. No solar panels shall ever project higher than the permitted building height in any zoning district.

ORDAINED this	day of	, 2021	to	become effective u	pon	publication

Pierre Boutros, Mayor
Alexandria Bingham, City Clerk

### CITY OF BIRMINGHAM

ORDINANCE NO	
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THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE SIGN ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 4, SECTION 4.88, ALTERNATIVE ENERGY, TO ADD AMENDED SOLAR ENERGY SYSTEMS REQUIREMENTS

4.88 UT-01: Alternative Energy

This Utility Standards section applies to the following districts:

B1 B2 B2B B2C B3 B4 MX 01 02 P TZ3

The following utility standards applies:

- A. Purpose and Intent: The purpose and intent of the city is to balance the need for clean and renewable energy resources with the necessity to protect the public health, safety and welfare of the city, as well as to preserve the integrity, character, property values, and aesthetic quality of the community at large. The city shall allow as an accessory use, with review by the Planning Board and/or Historic District Commission, the construction and operation of wind energy facilities and to provide standards for the placement, design, construction, monitoring, modification and removal of wind facilities that address public safety, minimize impacts on scenic, natural and historic resources without significantly increasing the cost or decreasing the efficiency of such systems.
- B. Applicability: This section applies to all on-site wind energy facilities. Any physical modification to existing wind energy facilities that materially alters the type, increases the size, or increases the adverse impact on surrounding properties, shall require a review by the Planning Board and/or Historic District Commission.
- C. Planning Approval Required:
  - 1. Wind energy facilities shall be limited to the average needs of the structure on the same parcel and shall be a permitted accessory use; subject to the required standards of this section provided they are incidental and secondary to a permitted principal use on the same parcel. The rated capacity of wind energy facilities must correlate with consumption.
  - 2. Wind energy facilities may be connected to the electrical grid when a parcel on which the system is installed also receives electrical power supplied by a utility

company. If a parcel on which a system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company in accordance with applicable state and federal law.

- 3. Wind monitoring (anemometer) towers are permitted in all non-residential zoning districts subject to the issuance of a temporary use permit and a building permit. Permanent anemometer towers shall be subject to review and approval in conjunction with wind energy facility.
- 4. No wind energy facility shall be erected, constructed, installed or modified as provided in this section without first obtaining approval from the Planning Board and/or Historic District Commission. The construction of a wind energy facility shall be permitted in non-residential zoning districts as an accessory use subject to the approval of the Planning Board and/or Historic District Commission and provided that the use complies with all requirements set forth in this section.

The Planning Board and/or the Historic District Commission have the discretion to deny plans based on aesthetics of the wind energy system. All such wind energy facilities shall be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts. No approval of any board or commission shall be granted unless it is found that:

- a. The specific site is an appropriate location for such use;
- b. The use is not expected to adversely affect the area;
- c. There is not expected to be any serious hazard to people, property or animals from the use;
- d. No nuisance is expected to be created by the use; and
- e. Adequate and appropriate facilities will be provided for the proper operation of the use.
- 5. Approvals may also impose reasonable conditions, safeguards and limitations and require the applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the wind energy facility, should they occur.
- 6. Multiple wind energy facilities may be permitted provided they meet all requirements specified in the Zoning Ordinance and their number and placement is appropriate for the site and is architecturally and visually compatible with the surrounding area.

### D. General Site Standards:

1. Height: No wind energy facility may exceed the maximum permitted or actual legal non-conforming building height by more than 20 ft. in any district

2. *Noise*: Except during short-term events including utility outages and severe wind storms, wind energy facilities shall be designed, installed and operated so that noise generated by the system shall be the lesser of 60 dB as measured at any closest inhabited dwelling or 55 dB at the boundary of any adjacent property line.

### 3. Location:

- a. The center of a wind energy facility turbine tower shall be set back no less than 5 feet from all lot lines and rights-of-way or no less than one-half the diameter of the rotor and blades, whichever is greater.
- b. The swept area of wind energy facilities must be set back at least 3 feet from any lot line.
- c. Wind energy facilities may not be located between the front lot line and the front wall of the principal use.
- d. No portion of any wind energy facility's exposed moving parts shall extend to within 20 feet of the ground, or to within 10 feet of any overhead utility lines, or as determined by a utility company.
- 4. Screening: Screening of ground mounted mechanical equipment is required in accordance with Article 4, Section 4.54 SC-01 Screening of the Zoning Ordinance, in order to mitigate aesthetic impacts upon the neighborhood.
- 5. Shadow Flicker: Wind energy facilities shall be sited in a manner that minimizes shadowing or flicker on adjacent properties. The applicant has the burden of proving that this effect does not have significant adverse impacts on neighboring or adjacent uses through siting or mitigation.

### 6. Access and Safety:

- a. Wind energy facilities shall be designed and installed so as to prevent unauthorized access to electrical and mechanical components and shall be secured or locked at all times when service personnel are not present.
- b. Climbing apparatus shall be located in a place that is in accordance with MIOSHA standards as to prevent climbing.
- 7. Removal: Any wind energy facility that has not been used in 180 days, or has otherwise been deter- mined abandoned, shall be removed by the owner and/or operator of the facility. If a wind energy facility has not been removed within 30 days a deadline specified by the City, the City of Birmingham may remove or secure the removal of the facility at the owner/operator's sole expense. All equipment associated with the facility shall be removed at the same time.

### E. <u>Design Standards</u>:

- 1. Color and Finish: The Planning Board shall have discretion over the turbine color, although a neutral, non-reflective exterior color designed to blend with the surrounding environment is encouraged. If the site is located within a historic district, the Historic District Commission will have discretion over the turbine color.
- 2. Lighting: Wind Energy Facilities may be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the wind energy facility, or related structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. If lighting is necessary a photometric plan is required.
- 3. Signage: Signs on the wind energy facility shall comply with the requirements of the City of Birmingham's Sign Ordinance, and shall be limited to:

Wind energy facilities shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.

- a. Those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger; and
- b. Educational signs providing information about the facility and the benefits of renewable energy
- 4. *Utility Connections*: All utility connections for and from the wind energy facility shall be located under- ground. Electrical transformers for utility interconnections may be above ground if required by utility provider but must be screened according to the Zoning Ordinance.
- 5. Related Structures: All related structures to wind energy facilities shall be subject to regulations concerning bulk and height of accessory structures as well as all other development standards. All related structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and adjacent buildings and shall be contained within the turbine tower whenever technically feasible. Structures shall only be used for housing equipment for this particular site.

### F. Submittal Requirements:

- 1. Wind energy facilities are subject to Site Plan Review or Design Review by the Planning Board and/or the Historic District Commission.
- 2. All wind energy facilities shall obtain a building permit, along with any other permits required by federal, state and local agencies, prior to erecting a system.

- 3. Proof of Liability Insurance: The applicant shall be required to provide evidence of liability insurance in an amount and for a duration sufficient to cover loss or damage to persons and structures should there be a failure of the wind energy facility.
- 4. Site Control: At the time of application for a Site Plan Review, the applicant shall submit documentation of actual or prospective control of the project site sufficient to allow for installation and use of the pro- posed facility. Documentation shall also include proof of control over setback areas and access roads, if required. Control shall mean legal authority to prevent the use or construction of any structure for human habitation within the setback areas.

### 5. Site Plan:

- a. A site plan signed and sealed by a licensed engineer, of the subject property and all properties within 200 feet showing existing buildings and structures, utility lines and poles, landscaping and all other items which may effect the placement of the wind energy facility.
- b. An elevation drawing of the proposed location of the wind energy facility.
- c. Color photographs and an elevation drawing with the wind energy facility and all necessary equipment superimposed in the proposed location.
- d. Specification sheets for all equipment, identifying all parts of the system, including, but not limited to, the manufacturer and model, turbine, tower height and type, rotor diameter, foundation, any accessory equipment, and the manufacturers electrical plans and specifications.
- e. Any other information or evidence required by City Officials.

### 4.88 AE-01: Alternative Energy

This Utility Standards section applies to the following districts:

R1 R1A R2 R3 R4 R5 R6 R7 R8 B1 B2 B2B B2C B3 B4 MX 01 02 P TZ1 TZ2 TZ3

The following utility standards applies:

A. <u>Purpose and Intent</u>: The purpose and intent of the city is to balance the need for clean and renewable energy resources with the necessity to protect the public health, safety and welfare of the city, as well as to preserve the integrity, character, property values, and aesthetic quality of the community at large.

B. <u>Solar Energy Facilities</u>: The city shall allow the construction and operation of solar energy facilities and shall provide standards for the placement, design, construction, modification and removal of solar energy facilities that address public safety, minimize impacts on scenic, natural and historic resources without significantly increasing the cost or decreasing the efficiency of such systems.

### 1. Roof-Mounted Solar Electric Systems:

- a. Roof-mounted solar panels are permitted on buildings and structures in all zoning districts and may include integrated solar panels as the surface layer of the roof structure with no additional apparent change in relief or projection, separate flush mounted solar panels attached to the roof, associated electrical equipment such as meters, charge controllers, inverters, storage batteries, or similar ancillary equipment, or solar photovoltaic shingles;
- b. Separate, non-integrated flush-mounted solar panels shall be located on a rear- or side-facing roof, which do not front any street, unless such installation is proven to be ineffective or impractical. If installation is not practical on a rear- or sidefacing roof, any other placement in all zoning districts shall be subject to review by the Planning Division. Wall or façademounted solar panels are not permitted;
- c. Any roof-mounted solar electric systems proposed on a historic building, or on a building or structure in an established historic district are subject to a Design Review by the Historic District Commission;
- d. Separate flush-mounted solar panels installed on a building or structure with a sloped roof surface shall not project vertically above the peak of the roof to which it is attached, or project vertically more than five (5) feet above a flat roof installation;
- e. No solar panels shall ever project higher than the permitted building height in any Zoning District;
- f. All solar electric systems proposed on the roof of a building shall be uniform in color and match or complement the color of the roof material. All frames (internal and external) shall match the color of the collector surface and all solar panels must have antireflective coatings to prevent glare; and

g. All ancillary equipment installed in conjunction with roofmounted solar electric systems is permitted on the side or rear building facades only. Storage batteries shall be installed in the interior of the building only.

#### 2. Ground-Mounted Solar Electric Systems:

a. Ground-mounted solar electric systems, including standard and pole mounted arrays, are not permitted.

#### 4.88 AE-02: Alternative Energy

This Utility Standards section applies to the following districts:

#### R4 R5 R6 R7 R8 B1 B2 B2B B2C B3 B4 MX 01 02 P PP TZ2 TZ3

- A. <u>Purpose and Intent</u>: The purpose and intent of the city is to balance the need for clean and renewable energy resources with the necessity to protect the public health, safety and welfare of the city, as well as to preserve the integrity, character, property values, and aesthetic quality of the community at large.
- B. <u>Wind Energy Facilities</u>: The city shall allow as an accessory use, with review by the Planning Board and/or Historic District Commission, the construction and operation of wind energy facilities and to provide standards for the placement, design, construction, monitoring, modification and removal of wind facilities that address public safety, minimize impacts on scenic, natural and historic resources without significantly increasing the cost or decreasing the efficiency of such systems.
  - 1. <u>Applicability</u>: This section applies to all on-site wind energy facilities. Any physical modification to existing wind energy facilities that materially alters the type, increases the size, or increases the adverse impact on surrounding properties, shall require a review by the Planning Board and/or Historic District Commission.

#### 2. Planning Approval Required:

a. Wind energy facilities shall be limited to the average needs of the structure on the same parcel and shall be a permitted accessory use; subject to the required standards of this section provided they are incidental and secondary to a permitted principal use on the same parcel. The rated capacity of wind energy facilities must correlate with consumption.

- b. Wind energy facilities may be connected to the electrical grid when a parcel on which the system is installed also receives electrical power supplied by a utility company. If a parcel on which a system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company in accordance with applicable state and federal law.
- c. Wind monitoring (anemometer) towers are permitted in all nonresidential zoning districts subject to the issuance of a temporary use permit and a building permit. Permanent anemometer towers shall be subject to review and approval in conjunction with wind energy facility.
- d. No wind energy facility shall be erected, constructed, installed or modified as provided in this section without first obtaining approval from the Planning Board and/or Historic District Commission. The construction of a wind energy facility shall be permitted in non-residential zoning districts as an accessory use subject to the approval of the Planning Board and/or Historic District Commission and provided that the use complies with all requirements set forth in this section.

The Planning Board and/or the Historic District Commission have the discretion to deny plans based on aesthetics of the wind energy system.

All such wind energy facilities shall be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts. No approval of any board or commission shall be granted unless it is found that:

- i. The specific site is an appropriate location for such use;
- ii. The use is not expected to adversely affect the area;
- iii. There is not expected to be any serious hazard to people, property or animals from the use;
- iv. No nuisance is expected to be created by the use; and
- v. Adequate and appropriate facilities will be provided for the proper operation of the use.
- e. Approvals may also impose reasonable conditions, safeguards and limitations and require the applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the wind energy facility, should they occur.

f. Multiple wind energy facilities may be permitted provided they meet all requirements specified in the Zoning Ordinance and their number and placement is appropriate for the site and is architecturally and visually compatible with the surrounding area.

#### 3. General Site Standards:

- a. <u>Height</u>: No wind energy facility may exceed the maximum permitted or actual legal non-conforming building height by more than 20 ft. in any district
- b. <u>Noise</u>: Except during short-term events including utility outages and severe wind storms, wind energy facilities shall be designed, installed and operated so that noise generated by the system shall be the lesser of 60 dB as measured at any closest inhabited dwelling or 55 dB at the boundary of any adjacent property line.

#### c. Location:

- i. The center of a wind energy facility turbine tower shall be set back no less than 5 feet from all lot lines and rights-ofway or no less than one-half the diameter of the rotor and blades, whichever is greater.
- ii. The swept area of wind energy facilities must be set back at least 3 feet from any lot line.
- iii. Wind energy facilities may not be located between the front lot line and the front wall of the principal use.
- iv. No portion of any wind energy facility's exposed moving parts shall extend to within 20 feet of the ground, or to within 10 feet of any overhead utility lines, or as determined by a utility company.
- d. <u>Screening</u>: Screening of ground mounted mechanical equipment is required in accordance with Article 4, Section 4.54 SC-01 Screening of the Zoning Ordinance, in order to mitigate aesthetic impacts upon the neighborhood.
- e. <u>Shadow Flicker</u>: Wind energy facilities shall be sited in a manner that minimizes shadowing or flicker on adjacent properties. The applicant has the burden of proving that this effect does not have significant adverse impacts on neighboring or adjacent uses through siting or mitigation.

#### f. Access and Safety:

- Wind energy facilities shall be designed and installed so as to prevent unauthorized access to electrical and mechanical components and shall be secured or locked at all times when service personnel are not present.
- ii. Climbing apparatus shall be located in a place that is in accordance with MIOSHA standards as to prevent climbing.
- g. Removal: Any wind energy facility that has not been used in 180 days, or has otherwise been deter- mined abandoned, shall be removed by the owner and/or operator of the facility. If a wind energy facility has not been removed within 30 days of a deadline specified by the City, the City of Birmingham may remove or secure the removal of the facility at the owner/operator's sole expense. All equipment associated with the facility shall be removed at the same time.

#### 4. Design Standards:

- a. <u>Color and Finish</u>: The Planning Board shall have discretion over the turbine color, although a neutral, non-reflective exterior color designed to blend with the surrounding environment is encouraged. If the site is located within a historic district, the Historic District Commission will have discretion over the turbine color.
- b. <u>Lighting</u>: Wind Energy Facilities may be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the wind energy facility, or related structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. If lighting is necessary a photometric plan is required.
- c. <u>Signage</u>: Signs on the wind energy facility shall comply with the requirements of the City of Birmingham's Sign Ordinance, and shall be limited to:
  - i. Wind energy facilities shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.
  - ii. Those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger; and
  - iii. Educational signs providing information about the facility and the benefits of renewable energy

- d. <u>Utility Connections</u>: All utility connections for and from the wind energy facility shall be located under- ground. Electrical transformers for utility interconnections may be above ground if required by utility provider but must be screened according to the Zoning Ordinance.
- e. Related Structures: All related structures to wind energy facilities shall be subject to regulations concerning bulk and height of accessory structures as well as all other development standards. All related structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and adjacent buildings and shall be contained within the turbine tower whenever technically feasible. Structures shall only be used for housing equipment for this particular site.

#### 5. <u>Submittal Requirements</u>:

- a. Wind energy facilities are subject to Site Plan Review or Design Review by the Planning Board and/or the Historic District Commission.
- b. All wind energy facilities shall obtain a building permit, along with any other permits required by federal, state and local agencies, prior to erecting a system.
- c. <u>Proof of Liability Insurance</u>: The applicant shall be required to provide evidence of liability insurance in an amount and for a duration sufficient to cover loss or damage to persons and structures should there be a failure of the wind energy facility.
- d. <u>Site Control</u>: At the time of application for a Site Plan Review, the applicant shall submit documentation of actual or prospective control of the project site sufficient to allow for installation and use of the pro- posed facility. Documentation shall also include proof of control over setback areas and access roads, if required. Control shall mean legal authority to prevent the use or construction of any structure for human habitation within the setback areas.

#### e. Site Plan:

 A site plan signed and sealed by a licensed engineer, of the subject property and all properties within 200 feet showing existing buildings and structures, utility lines and poles,

- landscaping and all other items which may effect the placement of the wind energy facility.
- ii. An elevation drawing of the proposed location of the wind energy facility.
- iii. Color photographs and an elevation drawing with the wind energy facility and all necessary equipment superimposed in the proposed location.
- iv. Specification sheets for all equipment, identifying all parts of the system, including, but not limited to, the manufacturer and model, turbine, tower height and type, rotor diameter, foundation, any accessory equipment, and the manufacturers electrical plans and specifications.
- v. Any other information or evidence required by City Officials.

ORDAINED this	day of	, 2021 to become effective upon publication.		
		_		
Pierre Boutros, Mayor				
Alexandria Bingham, Ci	ty Clerk	-		



# **MEMORANDUM**

**Planning Division** 

DATE: June 9<sup>th</sup>, 2021

TO: Jana Ecker, Planning Director

FROM: Nicholas Dupuis, City Planner

SUBJECT: Solar Panel Requirements – Public Hearing

In 2009, the City Commission adopted ordinance language permitting solar panels on structure roofs in all zoning districts throughout the City. Since its adoption, there have been many solar panels installed across the City, and several in the process of being approved by the Planning Board and/or Planning Division.

On May 22<sup>nd</sup>, 2019, the Planning Board discussed the evolution of solar panels and their perception that aesthetics are no longer an issue that should require a full Design Review by the Planning Board. The Board members also revisited a suggestion that was discussed in 2009, which was to waive fees for solar panel applications to encourage alternative energy use and sustainability.

On June 17<sup>th</sup>, 2019, the Planning Board and City Commission discussed the potential for ordinance amendments to simplify the review process for solar panels. During the meeting, a consensus was reached that the City's solar ordinance was in need of an update.

On January 8<sup>th</sup>, 2020, the Planning Board reviewed revised ordinance language and directed staff to make a few minor revisions and clarifications which involved the removal of ground mounted solar facility standards and adding language for anti-reflective coatings.

On July 15<sup>th</sup>, 2020, the Planning Board reviewed the revised language a second time and made a request to learn more about ancillary equipment and what types of such may be placed on a home, and where it may be commonly placed. The Planning Division has reached out to several solar power companies, and has researched previous solar panel proposals to get a better sense of what ancillary equipment is commonly used, and general reasons why:

Equipment	Description	
Large Single-Unit Inverter	Changes DC current from panel to usable AC current. Typically	
	located near utility meter.	
Micro Inverter	Changes DC current from panel to usable AC current. Micro	
	Inverters are located on the rear of each panel, eliminating the	
	need for one larger single-unit inverter. More common.	
Sub Panels	Dedicated circuits to power specific household items (ex. fride	
	laundry. etc.) Located inside adjacent to main panel.	

Storage Battery	Stores excess energy collected for later use. Rated for indoor/outdoor placement, but most commonly placed inside.				
Battery Disconnects	Functions as a disconnect and one-way circuit to prevent energy backflow out of storage battery. Usually located close to battery inside or outside.				
Disconnect Switches	Switches that stop the flow of power. Could be more than one, and is required to be located no more than 5 ft. from the utility meter.				
Junction Box	Serves as a monitoring system that detect production. Can be located inside or outside. Optional, not necessarily required.				
Metal Conduit	Houses all wiring from solar panels, through ancillary equipment, and into the home.				

In reviewing several of the plans for solar installations in the last two years, the information provided above appears to be confirmed by the locations of ancillary equipment on the plans, which in general is always located on the side or rear of the house near the utility meter.

On April 14<sup>th</sup>, 2021, the Planning Board motioned to set a public hearing on May 12<sup>th</sup>, 2021 to amend the alternative energy ordinance, which was rescheduled to June 9<sup>th</sup>, 2021 due to Eid al-Fitr. The Planning Board also requested that language be added to preclude wall of façade-mounted solar panels due to the potential issues with aesthetics and neighboring properties.

As the Zoning Ordinance currently reads, roof-mounted solar electric systems are permitted in all Zoning Districts, with any proposals for front, street oriented systems required to come before the Planning Board or Historic District Commission for a Design Review. The attached language offers an update to this language based on the feedback of the Planning Board and City Commission eliminating the Design Review Requirement for *non-historic homes only*. In addition, it was important for City Staff (while the subject of solar panels is active) to address and update the entire section of ordinance to remove barriers to the use of alternative energy solutions and encourage viable sustainability efforts. The proposed updates add requirements for new and emerging technologies such as solar shingles and solar energy storage, as well as address different options and that were not included in the original language, such as ground-mounted solar electric systems.

**Note**: The decision was made to move the language for solar panels from the Essential Services section to the Alternative Energy section of the ordinance, as it is a much better fit. In order to edit the ordinance properly, it was easiest to "delete" all of the existing ordinance language in Section 4.88 and create an entirely "new" Section 4.88. The language for wind energy facilities in the "new" Section 4.88 is EXACTLY the same, it is merely organized in a slightly different way. Please be advised, however, of the changes made in **bold blue** that apply to the wind energy facility language, which are changes to the Zoning Districts in which Section 4.88 apply.

Solar energy systems include solar collector surfaces and ancillary electrical equipment that are either affixed to a permanent principal or accessory building, or as a freestanding structure. A solar energy system collects, stores, and/or distributes solar energy for heating or cooling, generating electricity, or heating water.

Solar energy systems are permitted in all districts as an accessory use subject to the following:

- (1) Ground mounted solar energy systems shall meet the location and setback requirements applicable to detached accessory buildings (see <u>section 82-193</u>).
- (2) Roof mounted solar energy equipment shall be permitted on principal and accessory buildings provided that the panels or solar collector surface does not increase the total height of the structure above the maximum allowable height of the structure on which it is located, in accordance with the applicable zoning regulations.
- (3) Solar energy collectors shall be designed to either:
  - a. Faithfully replicate the appearance of standard roofing materials, or
  - b. Minimize glare and be uniform in color. Frames (internal and external) shall be the same color as the collector surface. All panels shall have an anti-reflective coating.

(Ord. of 7-14-2009, § 26-13.12; Ord. No. 428, § 1, 1-9-2018)

Accessory buildings and structures shall be constructed in accordance with the following section. A permit from the community development department is required prior to construction.

- (1) Residential uses. Accessory buildings and structures within residential districts shall comply with the following requirements:
  - a. Accessory buildings or structures shall not be built upon a lot or parcel unless and until a principal building is erected.
  - b. Where a garage or carport is structurally attached to the principal building, it shall be built only in the rear or side yard and shall be considered part of the principal building for purposes of all setback regulations and building codes applicable to principal buildings.
  - c. Front facade attached garages shall be allowed if all of the following conditions are met:
    - 1. Any front facade garage will be set back a minimum of five feet from the building facade.
    - 2. Any single garage door will not exceed eight feet in width or eight feet in height.
    - 3. Any two garage doors will be separated by a minimum two-foot solid jamb.
    - 4. The garage opening on the building facade shall not exceed 50 percent of the total linear building frontage.
  - d. Detached accessory buildings or structures shall not be constructed within ten feet of any principal building located on the same lot or parcel.
  - e. One accessory building shall be permitted per lot unless the lot is of such dimension that a second structure can be built at least 25 feet from any other building or structure located on the same lot and a minimum of five feet from any property line or edge of an easement, or three feet in the side yard setback, if construction is fire-resistance rated according to the current Michigan Residential Code.
  - f. Detached accessory buildings and structures shall be located a minimum of five feet from any adjoining lot line or easement, or three feet in the side yard setback, if construction is fire-resistance rated according to the current Michigan Residential Code. On corner lots and alleys, detached accessory buildings and structures shall be located at least ten feet from the lot line adjacent to the side street or alley.
  - g. All accessory buildings and structures shall be located in the side or rear yard.
  - h. Accessory buildings and structures shall be included in lot coverage limitations.
  - i. The building height of an accessory building or structure shall not exceed 16 feet.
  - j. Detached carports shall not be constructed closer to the side or rear lot line than the permitted distance for a residential garage. Portions of the carport shall not extend into the required front yard area. Detached carport structures for multiple family residential dwellings shall be screened in accordance with applicable city ordinances.
  - k. Accessory buildings located on double frontage (through) lots shall observe front yard setback requirements on both streets.
  - I. Play structures for children shall not be considered accessory buildings, but shall comply with the provisions of subsections (1)a, d., f. and g., above.
  - m. Detached accessory buildings or structures shall not have a greater square footage than the principal building on the same lot.
- (2) *Non-residential uses.* Accessory buildings and structures within all other districts shall comply with the following requirements:

- a. Accessory buildings or structures shall not be built upon a lot or parcel unless and until a principal building
- b. Accessory buildings and structures shall be subject to all of the same requirements as principal buildings in the district in which they are located.
- c. Accessory buildings located on double frontage (through) lots shall observe front yard setback requirements on both streets.

#### (3) Energy uses.

- a. Wind energy conversion systems (WECS). WECS designed to service the energy needs of the property where the structure is located shall be allowed as an accessory structure in all districts, subject to the following requirements:
  - 1. Only one WECS shall be permitted per lot.
  - 2. The height of the overall WECS with the blade in the vertical position shall not exceed 80 feet above ground level.
  - 3. All towers shall be set back a distance at least equal to the height of the overall WECS from all lot lines. The height shall be measured to the top of the blade at its highest point.
  - 4. Blade arcs created by a WECS shall not interfere with any structure, utilities or vegetation. The minimum blade or rotor clearance above ground level shall be at least 20 feet.
  - 5. All towers used to support the wind generating equipment shall be adequately anchored.
  - 6. The WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within 80 percent of design limits of the rotor.
  - 7. Noise emissions from the operation of a WECS shall not exceed 45 decibels on the DBA scale as measured at the nearest lot line or road.
  - 8. To prevent unauthorized climbing, the WECS must include an anti-climb device.
  - 9. Any WECS not used for one year or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property by the owner of the WECS.
- b. *Solar energy systems,* Solar energy systems designed to service the energy needs of the property where the structure is located shall be allowed as an accessory structure in all districts, subject to the following requirements:
  - 1. Solar energy systems shall meet the requirements of this section and all other applicable construction codes.
  - 2. The design of the solar energy system shall conform to applicable industry standards.
  - 3. Solar energy systems shall be screened per the discretion of the community development department.
  - 4. Solar energy systems shall meet height and setback requirements of the zoning district in which they are located.
  - 5. Solar energy systems shall be securely anchored to the ground or a permanent structure.
  - 6. A ground-mounted solar energy system shall comply with the accessory structure restrictions contained in the zoning district where it is located.
  - 7. All exterior electrical and/or plumbing lines must be buried below the surface of the ground in compliance with current code.
  - 8. Any solar energy system not used for one year or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property by the owner of the solar energy system.
  - 9. Waiver. Upon request, the planning commission may grant waivers of the setback or height

requirements, provided that the waiver will not present any undue hardships on adjoining properties. The planning commission shall take into consideration the support or opposition of adjacent property owners in granting waivers of setback or height requirements.

(4) Outdoor display, sales and storage. Outdoor display, sales, or storage accessory to an approved principal use may be approved by the planning commission if deemed compatible with surrounding land uses and found to be compatible with the character of the area in accordance with the following:

#### a. In general.

- Goods and materials shall not be piled or stacked higher than the height of the screening wall.
   Vehicles, truck trailers, implements, and recreational vehicles may exceed the height of the screening wall provided that they are set back from the screening wall a distance equal to their height.
- 2. The outdoor display, sales and storage of fertilizers, pesticides, and other hazardous materials is prohibited.
- 3. Soil, sand, mulch, and similar loosely packaged materials shall be contained and covered to prevent it from blowing into adjacent properties.
- 4. All areas shall be paved with a permanent, durable, and dustless surface and shall be graded and drained to dispose of all surface water.
- 5. The applicant shall demonstrate there will be adequate parking for the existing uses as well as the proposed outdoor sales, display or storage.
- 6. The location shall not interfere with public passage or the otherwise normal flow of pedestrian or vehicular traffic.
- 7. Lighting for security purposes may be required as determined by the planning commission.
- 8. Temporary uses that occur for less than two weeks in any calendar year are exempt from these regulations.
- b. Display or sales.
- 1. Outdoor display or sales is permitted in all mixed-use, commercial, and office districts.
- 2. Outdoor display or sales areas may occupy up to 15 percent of each front, side, and rear yard respectively, provided all setbacks are met.
- 3. Outdoor display or sales areas shall be screened from view by a masonry wall where the display area abuts a residential district.
- c. Storage.
  - 1. Outdoor storage is permitted in all industrial districts.
  - 2. Screening of outdoor storage areas shall consist of any combination of fences, walls, berms and landscaping that are at least eight feet in height that in the opinion of the city provides a permanent, opaque, year-round screening around the entire perimeter of the outdoor storage area.
  - 3. Outdoor storage shall not be located in the front yard.
- (5) Temporary construction uses.
  - a. Temporary buildings and structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation, solid waste, or fuel facilities, related to construction activity on the same lot.
  - b. The building or structure shall not be used for dwelling purposes.
  - c. Temporary buildings and structures shall be removed from the lot within 30 days after an occupancy permit is issued by the community development department for the permanent structure on such lot, or

within 30 days after the expiration of a building permit issued for construction on such lot.

- (6) Portable moving and storage containers. A single portable moving and storage container may be placed on an occupied lot for the purpose of loading or unloading items to be transported to another location, subject to the following restrictions:
  - a. The portable moving and storage container may be placed on an occupied lot for up to 30 days.
  - b. The container shall be located on a paved surface on the lot and shall not be located in the public right-of-way or a private road easement.
  - c. This section shall not apply to freight containers or truck trailers located in an industrial district in accordance with D above.
- (7) Donation boxes and vending machines.
  - a. Outdoor donation boxes shall be permitted in the C-3, OS, M-1, M-2, and P-1 districts. They shall not be permitted in the front yard, or any landscape greenbelt and shall not be permitted in a location that would block parking spaces, or loading areas and shall not obstruct vehicular and pedestrian circulation, fire lanes, or sidewalks.
  - b. Outdoor vending machines shall be prohibited. This provision shall not apply to racks.

(Ord. No. 1087, § 9.03, 3-8-10; Ord. No. 1203, Pt. I, 1-8-18)

# § 770-54. Wind and solar energy systems. [Added 6-15-2009 by Ord. No. 2009-06]

A. Purpose and intent. It is the general purpose and intent of the City to balance the need for clean, renewable and abundant energy resources that may reduce dependence upon scarce and nonrenewable fossil fuels, with the necessity to protect the public health, safety and welfare of the city, as well as to preserve the integrity, character, property values, and aesthetic quality of the community at large. The City therefore finds these regulations are necessary in order to facilitate adequate provision of sites for wind and solar energy systems and ensure they are situated in appropriate locations and relationships to other land uses, structures and buildings, without significantly increasing the cost or decreasing the efficiency of such systems.

#### B. Authorization.

- (1) Wind energy systems with a rated capacity of up to 20 kilowatts (20 kw) and solar energy systems shall be allowed as an accessory use in any zoning district, subject to the required standards of this section, provided that they are to be incidental and subordinate to a use on the same parcel and shall supply electrical power exclusively for on-site consumption, except as otherwise provided by this chapter.
- (2) Wind and solar energy systems may be connected to the electrical grid when a parcel on which the system is installed also receives electrical power supplied by a utility company. If a parcel on which a system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company in accordance with applicable state and federal law.
- (3) Solar energy systems and wind energy systems with a rated capacity of more than 20 kilowatts (20 kw) that are intended to produce electricity for sale to a utility and/or other customers for off-site consumption shall be prohibited, except as a special land use in the General Industrial Zoning District under § 770-44 General Industrial, Subsection C, Special land uses, Subsection (2)(b), Electrical power manufacture. Wind or solar energy systems developed as a special land use in the General Industrial Zoning District shall be subject to the required standards of this section.
- C. Standards specific to wind energy systems.

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(1) Number of systems per lot. No more than one ground-mounted or freestanding wind energy system may be placed on any lot of record. Arrays of multiple-turbine roof-mounted wind energy systems may be allowed, provided that they are architecturally integrated with the building upon which they are attached as determined by the Zoning Administrator, and otherwise comply with the required standards of this section.

### (2) Height.

- (a) The total system height of a ground-mounted or freestanding wind energy system shall not exceed twice the maximum permitted height for principal structures on a site within or adjacent to any residential or mixed-use zoning districts, or 100 feet on any other site that is not adjacent to any residential or mixed-use zoning district. The total system height shall include the height above grade of the fixed portion of the tower to the center of the rotor hub, including the turbine and the highest vertical extension of any blades and rotors.
- (b) The height of roof-mounted wind energy systems are subject to the required standards in § 770-21, Application of Zoning District Regulations, Subsection D, Application of height regulations, Subsection (3), Exceptions.

#### (3) Location and setbacks.

- (a) Ground-mounted or freestanding wind energy systems shall not be located within a front yard in any residential or mixed-use zoning district and shall be set back from all lot lines and rights-of-way to the center of the tower base no less than a distance equal to 1/2 the diameter of the rotor and blades, or the minimum required front, side and rear yard setbacks for principal structures within a site's given zoning district, whichever is greater.
- (b) No portion of any wind energy system's blades, rotor, or other exposed moving parts shall extend to within 20 feet of the ground, or to within 10 feet of any overhead utility lines.
- (c) Roof-mounted wind energy systems shall be setback from the building edge a distance equal to 1/2 the diameter of its rotor and blades, or a distance as determined necessary by the Zoning Administrator. No portion of any roof-mounted wind energy system's blades, rotor or other

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exposed moving part shall extend beyond the edge of the building to which it is attached, or to within 20 feet of any outdoor surfaces that are located directly below the system and intended for human occupancy, such as balconies or rooftop patios.

### D. Standards specific to solar energy systems.

- (1) Number of systems per lot. No more than one ground-mounted or freestanding solar energy system may be placed on any lot of record, and its solar collector shall not exceed 800 square feet of surface area. Solar collectors shall not be counted towards lot coverage, but the area covered or enclosed by solar collectors may be counted as required open space. Arrays of multiple-collector roof-mounted, building-mounted, or facade-mounted solar energy systems may be allowed, provided that they are architecturally integrated with the building upon which they are attached as determined by the Zoning Administrator, and otherwise comply with the required standards of this section.
- (2) Height. Ground-mounted or freestanding solar collectors and any mounts shall not exceed a height of 20 feet when oriented at maximum tilt. Building-mounted or facade-mounted solar collectors shall not exceed the height of the building to which they are attached. Roof-mounted solar collectors and any mounts are subject to the standards in § 770-21, Application of zoning district regulations, Subsection D Application of height regulations, Subsection (3) Exceptions.

#### (3) Location and setbacks.

- (a) Ground-mounted or freestanding solar energy systems shall not be located within a front yard in any residential or mixed-use zoning district, and shall be set back from all lot lines and rights-of-way to any part of the system no less than the minimum required front, side and rear yard setbacks for accessory structures within a site's given zoning district.
- (b) Roof-mounted solar energy systems shall be setback from the building edge a distance equal to its height or a distance as determined necessary by the Zoning Administrator.
- (c) Building-mounted or facade-mounted solar energy systems shall not be attached to any front building facade

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that directly faces and is visible from any right-of-way. Such systems may be located on any side or rear building facade, provided that they do not directly face and are not visible from any right-of-way, and provided that they are architecturally integrated with the building upon which they are attached, as determined by the Zoning Administrator.

- (d) Solar collectors shall be placed so as not to shade any existing solar collector or adjacent property to the north between the hours of 9:30 a.m. and 2:30 p.m. Eastern Standard Time on December 21 of each year any more than would a structure built to the maximum permitted bulk and area standards for a site's given zoning district.
- (4) Solar storage batteries. When solar storage batteries are included as part of the solar energy system, they must be placed in a secure container or enclosure meeting the requirements of the City's building and electrical codes when in use and, when no longer used, shall be disposed of in accordance with all applicable City, state and federal laws and regulations.

#### E. General standards.

- (1) Screening. Landscape screening in accordance with § 770-90, Landscaping, greenbelts, buffers and screening, Subsection D, Screening between land uses, shall be provided along all property lines to mitigate aesthetic impacts upon the neighborhood if a ground-mounted or freestanding wind or solar energy system is located within or adjacent to any residential or mixed-use zoning districts, except when a principal structure is placed between the system and a property line. Roof-mounted wind or solar energy systems shall be effectively screened as determined necessary by the Zoning Administrator.
- (2) Access and safety. All wind or solar energy systems shall be designed and installed so as to prevent unauthorized access to electrical and mechanical components and shall be secured or locked at all times when service personnel are not present. All ground-mounted or freestanding wind or solar energy systems shall be adequately enclosed by a six-foot fence, or placed within a yard that is entirely enclosed by a six-foot fence, in accordance with the provisions of Chapter 323, Fences. All climbing apparatus shall be located at least 12

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feet above ground, and any tower must be designed to prevent climbing within the first 12 feet.

- (3) Lighting. Exterior lighting from a direct source upon a wind or solar energy system shall be prohibited. No lights shall be installed on a tower or any other part of a wind or solar energy system, unless required to meet federal aviation regulations.
- (4) Controls. All wind energy systems shall be equipped with manual and automatic override brakes in order to limit the blade rotation speed to within its design limits, to prevent uncontrolled rotation and excessive pressure on the tower, rotors, blades and other components, and to shut down turbines in the event of an electrical outage.
- (5) Underground wiring. All wiring connected with a wind or solar energy system shall be underground, except for wiring that runs from the turbine to the base of the wind energy systems, and all wiring associated with roof-mounted wind energy systems, and roof-mounted, building-mounted, or facade-mounted solar energy systems.
- (6) Noise and electrical disturbance. All wind energy and solar systems shall comply with the required standards of § 770-94, Noise and vibrations, and § 770-95, Electrical disturbance, electromagnetic or radio frequency interference.
- (7) Signs. All signs on a wind or solar energy system visible from any right-of-way or adjacent property shall be prohibited, except for the manufacturer's or installer's identification on the nacelle or solar collector, appropriate warning signs, or the owner and/or operator's identification.

#### F. Access easements.

- (1) The enactment of this section does not constitute the granting of an easement by the City for access to wind or solar radiation. The owner and/or operator shall provide covenants, easements, or similar documentation to assure sufficient wind or solar radiation to operate a wind or solar energy system unless adequate accessibility to the wind or solar radiation is provided by the site.
- (2) Nothing within this section shall prevent any owner, occupant or other person in control of property from legally placing or planting any vegetation or trees, or legally constructing any structure that may cast a shadow on a solar energy system or

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block wind from a wind energy system, provided that such vegetation, trees, or structures comply with the required standards of this chapter and all other applicable laws, codes and ordinances.

#### G. Removal.

- (1) An owner and/or operator shall remove any ground-mounted or freestanding wind or solar energy system when it has not been used for a period of 180 days or more or has otherwise been abandoned. For purposes of this section, the removal of rotors, blades, turbines, solar collectors, solar batteries, or other equipment from a wind or solar energy system, or the cessation of electrical power generation, shall be considered as the beginning of a period of nonuse or abandonment. Nonuse or abandonment may also be proven by reports from an interconnected utility.
- (2) Once a ground-mounted or freestanding wind or solar energy system has not been used for a period of 180 days or more or has otherwise been determined to be abandoned, the owner and/or operator shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition and removal, restoring the premises to an acceptable condition as reasonably determined by the Building Official and/or Zoning Administrator.
- (3) If the required removal of a wind or solar energy system has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days' written notice by the City Attorney, Building Official, and/or Zoning Administrator, the City may pursue legal action to remove or secure the removal of the system at the owner's and/or operator's sole expense.
- (4) The Zoning Administrator and/or Building Official may require that an application for a ground-mounted or freestanding wind or solar energy system include a security to be posted at the time of receiving a building permit to ensure its removal when it has been abandoned or is no longer in use, as provided in this section. The security may, at the election of the owner and/or operator, be in the form of cash; surety bond; letter of credit; or an agreement in a form approved by the City Attorney and recordable at the office of the Register of Deeds, establishing a promise of the owner and/or operator to timely remove the wind or solar energy

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system as required under this section, with the further provision that the owner and/or operator shall be responsible for the payment of any costs and attorney's fees incurred by the City in securing removal. The City's actual costs and reasonable administrative charges to remove or secure the removal of a wind or solar energy system may be drawn or collected from such security.

- H. Applications and permits. The owner and/or operator of any wind or solar energy system shall obtain a building permit, along with any other permits required by federal, state and local agencies, prior to erecting a system. Wind or solar energy systems shall comply with all applicable state and City construction and electrical codes and City building permit requirements, and also all requirements of the Federal Aviation Administration, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCLA § 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCLA § 259.481 et seq.), and all other applicable state and federal regulations.
  - (1) Wind energy systems. Applications for permits to install a wind energy system shall include a site plan prepared in accordance with § 770-12, Site plan review, along with the following additional information:
    - (a) The location of all buildings within 200 feet of the property including exterior dimensions, height and uses.
    - (b) The location and dimensions of any other natural or manmade features within 200 feet of the property, such as trees, overhead utility lines, utility poles and towers, streets and rights-of-way, wireless community devices, etc.
    - (c) The plans and specifications identifying all parts of the system, including, but not limited to, the manufacturer and model, turbine, tower height and type, rotor diameter, foundation, any accessory equipment, and the manufacturer's electrical plans and specifications.
    - (d) Certification from a licensed engineer or qualified professional that the manual and automatic override brakes have been designed for the proposed system.
    - (e) Evidence that the applicant has notified the affected utility of the intent to install an interconnected customerowned generator, and that the generator meets the

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minimum requirements established by the affected utility, the Michigan Public Service Commission, the Federal Energy Regulatory Commission, and all other applicable state and federal standards. Off-grid systems shall be exempt from this requirement.

- (f) Evidence from a qualified professional that the site is feasible for a wind energy system, or that covenants, easements and other assurances to document sufficient wind to operate the wind energy system have been obtained.
- (g) Evidence that the proposed wind energy system will comply with applicable federal aviation regulations, including any necessary approvals from the Federal Aviation Administration.
- (h) A visual simulation that includes views from all rights-of-way within 500 feet.
- (i) Any other evidence or information as required by the Zoning Administrator and/or Building Official.
- (2) Solar energy systems. Applications for permits to install a solar energy system shall include a site plan prepared in accordance with § 770-12, Site plan review, along with the following additional information:
  - (a) The plans and specifications identifying all parts of the system, including, but not limited to, the manufacturer and model, solar collector or generator, mount height and type, foundation, solar batteries, any accessory equipment, and the manufacturer's electrical plans and specifications.
  - (b) Evidence that the applicant has notified the affected utility of the intent to install an interconnected customerowned solar collector, and that the collector meets the minimum requirements established by the affected utility, the Michigan Public Service Commission, the Federal Energy Regulatory Commission, and all other applicable state and federal standards. Off-grid systems shall be exempt from this requirement.
  - (c) Evidence from a qualified professional that the site is feasible for a solar energy system, including between the hours of 9:30 a.m. and 2:30 p.m. Eastern Standard Time on December 21 of each year, or that covenants,

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- easements and other assurances to document sufficient solar radiation to operate the solar energy system have been obtained.
- (d) Evidence that the proposed solar energy system will comply with applicable state and federal regulations.
- (e) Any other evidence or information as required by the Zoning Administrator and/or Building Official.

#### I. Additional and accessory uses.

- (1) The applicable standards and requirements of this section shall also apply to an emometer towers used to conduct wind site assessments for possible installation of wind energy systems.
- (2) Co-location of wireless communication facilities on any wind or solar energy system shall be subject to the requirements of § 770-88, Wireless communication devices. Co-location of any equipment or facilities other than wireless communication facilities that are not used for wind or solar power purposes shall only be permitted if allowed elsewhere within this chapter.

# **Zoning Ordinance**



Adoption Date: April 20, 2009

Revised Through: December 9, 2019

- d. Anticipated manner in which the project will be decommissioned and the site restored.
- Complaint Resolution. The applicant shall develop a process to resolve any potential complaints from nearby residents concerning the construction and operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting upon a complaint. The process shall not preclude any governmental body from acting on a complaint. The applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

Section 138-10.401 **Solar Energy Systems** 

#### **Definitions**

- 1. Solar Energy System. A solar photovoltaic cell, panel, or array that converts solar energy to usable thermal, mechanical, chemical, or electrical energy.
- 2. Solar Storage Battery. A device that stores energy from the sun and makes it available in an electrical form.
- Rooftop Solar Energy Systems. Rooftop and building mounted solar energy systems are permitted in all zoning districts, subject to the following regulations:
  - Roof mounted systems shall not extend more than 4 feet above the surface to which it is affixed.
  - 2. No solar energy system may protrude beyond the edge of the roof.
  - A building permit shall be required for installation of rooftop and building mounted systems.
- Ground Mounted Solar Energy Systems. Ground mounted and freestanding solar energy systems are permitted in all zoning districts, subject to the following regulations:
  - 1. Location. The solar energy system shall meet the required front yard setback requirement for the district in which it is located, and be set back a minimum of 5 feet from any side or rear property line.

#### 2. Height

- The height of the solar energy system and any mounts shall not exceed 10 feet when oriented at maximum tilt.
- b. If the solar energy system is located in the front yard between the required front setback line and front building wall of the principal building, the maximum height for the system shall be 42 inches (3.5 feet). Evergreen landscaping that is sufficient to buffer the equipment from view from nearby dwelling units or streets but that will not obstruct the energy collecting surface from solar energy shall be provided.
- Building Permit. A building permit shall be required for any ground mounted solar energy system.
- Area. No more than 20% of the total lot area may be covered by a ground mounted solar energy system.
- D. Batteries. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.
- Removal. If a solar energy system ceases to perform its intended function for more than 12 consecutive months, the property owner shall remove the collector, mount, and associated equipment and facilities no later than 90 days after the end of the 12 month period.

#### CHAPTER #45

#### CITY OF SOUTHFIELD ZONING CHAPTER

#### **MAYOR**

Kenson J. Siver

#### **COUNCIL**

Lloyd Crews, Council President
Linnie Taylor, Council President Pro Tem
Daniel Brightwell
Donald F. Fracassi
Myron Frasier
Michael A. Mandelbaum
Tawnya Morris

## **PLANNING COMMISSION**

Donald Culpepper, Chairman Steve Huntington, Vice Chairman Latina Denson Jeremy Griffis Anthony Martin Jacquetta Miah Robert L. Willis

# Section 5.60-B SOLAR ENERGY SYSTEMS (Amended – Ordinance No. 1590 – 4/23/12)

#### A. <u>Purpose and Intent</u>

The purpose of this Section is to establish guidelines for the siting of Solar Energy Systems. It is the further purpose and intent of this Section to:

- 1. To promote the safe, effective and efficient use of Solar Energy Systems in order to reduce the consumption of fossil fuels in producing electricity and decrease the air and water pollution that results from the use of conventional energy sources.
- 2. Preserve and protect public health, safety, welfare and quality of life by minimizing the potential adverse effects of Solar Energy Systems, including aesthetic impacts and risks to the property values of adjoining properties.
- 3. To establish standards and procedures by which the siting, design, engineering, installation, operation and maintenance of Solar Energy Systems shall be governed.
- B. <u>Definitions.</u> The following definitions shall apply in this Section:

**Solar Energy System:** shall mean a solar photovoltaic cell, panel, or array that converts solar energy to useable thermal, mechanical, chemical, or electrical energy.

**Solar Storage Battery:** shall mean a device that stores energy from the sun and makes it available in an electrical form.

- C. <u>Applicability</u>. This Section shall apply to all Solar Energy Systems proposed to be constructed after the effective date of this ordinance. All Solar Energy Systems constructed prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance; however, any physical modification to an existing Solar Energy System that alters the size, type, equipment or location shall require a permit under this ordinance.
- D. <u>Roof-mounted Solar Energy Systems:</u> Roof-mounted and building solar energy systems are permitted uses in all zoning districts, subject to the following regulations:
  - 1. Siting and design requirements
    - (a.) Roof mounted systems shall not extend more than four (4') feet above the surface to which it is affixed.
    - (b.) No solar energy system may protrude beyond the edge of the roof.

- (c.) A building permit and electrical permit shall be required for installation of roof-mounted or building-mounted systems.
- E. <u>Ground- Mounted Solar Energy Systems:</u> Ground-mounted and freestanding solar energy systems are permitted uses in all zoning districts subject to the follow regulations:
  - 1. Siting and design requirements:
    - (a.) Location:
      - (i.) The solar energy system shall not be allowed in the front yard between the property line and the front building wall. The solar energy system may be located in the side or rear yards and be set back a minimum of five (5') feet from any side or rear property line.
    - (b.) Height:
      - (i.) The height of the solar energy system and any mounts shall not exceed ten (10') feet when oriented at maximum tilt.
      - (ii.) If the solar energy system is located in a side yard, the maximum height for the system shall be forty-two (42") inches or three and one half (3 ½') feet. Evergreen landscaping that is sufficient to buffer the equipment from view from near-by dwelling units or streets but that will not obstruct the energy collecting surface from solar energy shall be provided.
    - (c.) Building Permit:
      - (i.) A building permit and electrical permit shall be required for any ground-mounted solar energy system.
    - (d.) Area:
      - (i.) No more than twenty (20%) percent of the total lot area may be covered by a ground-mounted solar energy system.

- F. <u>Batteries:</u> When batteries are included as part of the solar collector system, the must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.
- G. Removal: If a solar energy system ceases to perform its intended function for more than twelve (12) consecutive months, the property owner shall remove the collector, mount, and associated equipment and facilities no later than ninety (90) days after the end of the twelve (12) month period.

#### Section 5.60-C RESERVED FOR GEO-THERMAL ENERGY SYSTEMS

SECTION 5.60-D RESERVED FOR RAINWATER HARVESTING SYSTEMS (Amended – Ordinance 1678 – 7/6/17)

- A. Identify opportunities where water can be reused for irrigation or used for indoor greywater reuse. From this, calculate the water need for the intended uses. For example, if a 2,000 sf landscaped area requires irrigation for 4 months in the summer at a rate of 1" per week; the designer must determine how much water will be needed to achieve this goal, and how often the storage unit will be refilled via precipitation. The usage requirements and the expected rainfall volume and frequency must be determined.
- B. Rain barrels and cisterns should be positioned to receive rooftop runoff.
- C. Provide for the use or release of stored water between storm events in order for the necessary stormwater storage volume to be available.
- D. If cisterns are used to supplement greywater needs, a parallel conveyance system must be installed to separate reused stormwater or greywater from other potable water piping systems. Do not connect to domestic or commercial potable water systems.
- E. Household water demands must be considered when sizing a system to supplement residential greywater.
- F. Pipes or storage units must be clearly marked "Caution: reclaimed water, do not drink".
- G. Screens must be used to filter debris from storage units.
- H. Protect storage elements from direct sunlight by positioning and landscaping. Limit light into devices to minimize algae growth.
- I. The proximity to building foundations must be considered from overflow conditions. Overflow discharge must be a minimum of 10' from building foundation.
- J. Climate is an important consideration. Capture/reuse systems must be disconnected and emptied during winter to prevent freezing.
- K. Cisterns must be watertight (joints sealed with nontoxic waterproof material) with a smooth interior surface, and capable of receiving water from rainwater harvesting system.
- L. Covers and lids must have a tight fit to keep out surface water, animals, dust and light.

- M. Positive outlet for overflow must be provided a few inches from the top of the cistern.
- N. Observation risers must be at least 6" above grade for buried cisterns.
- O. Reuse may require pressurization. To add pressure, a pump, pressure tank and fine mesh filter can be used which adds to the cost of the system, but creates a more usable system.
- P. Rain barrels require a release mechanism in order to drain empty between storm events. Connect a soaker hose to slowly release stored water to a landscaped area.



BACK

# FORWARD

Article 12 Sustainable Design and Environmental Standards

to installation, to the extent reasonably feasible.

b. The demolition, removal and restoration of the WECS shall be completed within sixty (60) days after the end of the Non-Use Period.

### SECTION 12.05 **SOLAR STRUCTURES** AND EASEMENTS

- A. Permitted. Active and passive solar energy devices, systems or structures shall be permitted in all zoning classifications by right, subject to administrative approval, except when such solar devices or architectural features project into required front or side yards, or are free-standing elements in a required front or side yard, in which case they are subject to site plan review in accordance with Article 8.
- B. Maximum Height of Structures. Passive solar energy structures, such as flat plate collectors, photovoltaic cells, etc., which are roof-mounted or integrated otherwise into the roof structure shall not be included in the calculation of maximum height. Active solar energy structures, when mounted on either freestanding structural elements or integrated architecturally with a principal or accessory building shall not exceed a height of forty (40) feet.
- C. Easements. A landowner may enter into an easement, covenant, condition or other property interest in any deed or other instrument, to protect the solar skyspace of an actual, proposed or designated solar energy structure at a described location by forbidding or limiting activities, land uses, structures and/or trees that interfere with access to solar energy. The solar skyspace must be described as the three (3) dimensional space in which obstruction is prohibited or limited. Any property owner may give or sell his right to access to sunlight. Such Solar Access Easements shall be recorded and copies shall be kept on file with the Troy Building Department.

#### SECTION 12.06 ENVIRONMENTAL PERFORMANCE STANDARDS

- A. Intent. No use, unless otherwise allowed, shall be permitted within any district which does not conform to the following minimum requirements of use, occupancy, and operation.
- B. Airborne Emissions.
  - 1. Air Contaminants. All airborne emissions shall, at a minimum, comply with the applicable Federal and State standards.
  - 2. Smoke.
    - a. It shall be unlawful for any person, firm, or corporation to permit the emission of

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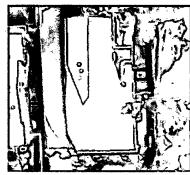
Figures & Maps

Tables

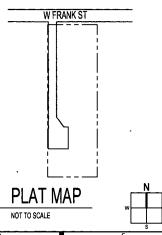
- 1.1.1 PROJECT NOTES:
  1.1.2 THIS PHOTOVOLTAIC (PV) SYSTEM SHALL COMPLY WITH THE NATIONAL ELECTRIC CODE (NEC) ARTICLE 690, ALL MANUFACTURERS'S LISTING AND INSTALLATION INSTRUCTIONS, AND THE RELEVANT CODES AS SPECIFIED BY THE AUTHORITY HAVING JURISDICTION'S (AHJ) APPLICABLE CODES.
- 1.1.3 THE UTILITY INTERCONNECTION APPLICATION MUST BE APPROVED AND PV SYSTEM INSPECTED PRIOR TO PARALLEL OPERATION
- ALL PV SYSTEM COMPONENTS: MODULES, UTILITY-INTERACTIVE INVERTERS, AND SOURCE CIRCUIT COMBINER BOXES ARE IDENTIFIED AND LISTED FOR USE IN PHOTOVOLTAIC SYSTEMS AS REQUIRED BY NEC 690.4: PV MODULES: UL1703, IEC61730, AND IEC61215, AND NFPA 70 CLASS C FIRE INVERTERS: UL 1741 CERTIFIED. IEEE 1547, 929, 519 COMBINER BOX(ES): UL 1703 OR UL 1741 ACCESSORY
- .1.5 MAX DC VOLTAGE CALCULATED USING MANUFACTURER PROVIDED TEMP COEFFICIENT FOR VOC. IF UNAVAILABLE, MAX DC VOLTAGE CALCULATED ACCORDING TO NEC 690.7.
- ALL INVERTERS, PHOTOVOLTAIC MODULES, PHOTOVOLTAIC PANELS, AND SOURCE CIRCUIT COMBINERS INTENDED FOR USE IN A PHOTOVOLTAIC POWER SYSTEM WILL BE IDENTIFIED AND LISTED FOR THE APPLICATION PER 690.4 (D). SHALL BE INSTALLED ACCORDING TO ANY INSTRUCTIONS FROM LISTING OR
- 1.1.7 ALL SIGNAGE TO BE PLACED IN ACCORDANCE WITH LOCAL BUILDING CODE. IF EXPOSED TO SUNLIGHT, IT SHALL BE UV RESISTANT, ALL PLAQUES AND SIGNAGE WILL BE INSTALLED AS REQUIRED BY THE NEC AND AHJ.
- 1.2.2 PRIME CONTRACTOR IS RESPONSIBLE FOR THE DESIGN AND SPECIFICATIONS OF THE GRID-TIED PHOTOVOLTAIC SYSTEM RETROFIT. PRIME CONTRACTOR WILL BE RESPONSIBLE FOR COLLECTING EXISTING ONSITE REQUIREMENTS TO DESIGN, SPECIFY, AND INSTALL THE EXTERIOR ROOF-MOUNTED PORTION OF THE PHOTOVOLTAIC SYSTEMS DETAILED IN THIS DOCUMENT.
- 1.3.1 WORK INCLUDES:
- 1.3.2 PV ROOF ATTACHMENTS IRONRIDGE FLASHFOOT2
- 1.3.3 PV RACKING SYSTEM INSTALLATION IRONRIDGE XR100
- 1.3.4 PV MODULE AND INVERTER INSTALLATION PANASONIC VBHN325SA16 / SOLAR EDGE - SE7600A-US
- 1.3.5 PV EQUIPMENT GROUNDING
- 1.3.6 PV SYSTEM WIRING TO A ROOF-MOUNTED JUNCTION BOX
- 1.3.7 PV LOAD CENTERS (IF INCLUDED)
- 1.3.8 PV METERING/MONITORING (IF INCLUDED)
- 1.3.9 PV DISCONNECTS
- 1.3.10 PV FINAL COMMISSIONING
- 1.3.11 (E) ELECTRICAL EQUIPMENT RETROFIT FOR PV
- 1.3.12 SIGNAGE PLACED IN ACCORDANCE WITH LOCAL BUILDING CODE

# NEW PV SYSTEM: 6.500 kWp WEISBERG RESIDENCE

651 W FRANK ST BIRMINGHAM, MI 48009 ASSESSOR'S #: 081936153006



**AERIAL PHOTO** 01 NOT TO SCALE



SHEET LIST				
SHEET NUMBER	SHEET TITLE	~ _		
T-001	COVER PAGE			
G-001	NOTES			
A-101	SITE PLAN			
A-102	ELECTRICAL PLAN			
A-103	SOLAR ATTACHMENT PLAN			
E-601	LINE DIAGRAM			
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R-002	RESOURCE DOCUMENT			
R-003	RESOURCE DOCUMENT			
R-004	RESOURCE DOCUMENT			
R-005	RESOURCE DOCUMENT			

#### PROJECT INFORMATION

MICHAEL WEISBERG

PROJECT MANAGER

NAME: DREW BARTOSIK PHONE: (248) 760-3184

CONTRACTOR

NAME: STRAWBERRY SOLAR PHONE: (248) 760-3184

**AUTHORITIES HAVING JURISDICTION** 

BUILDING: BIRMINGHAM BUILDING & PLANNING ZONING: BIRMINGHAM BUILDING & PLANNING

UTILITY: DTE ENERGY

**DESIGN SPECIFICATIONS** 

OCCUPANCY-CONSTRUCTION:

70NING RESIDENTIAL GRID-TIED GROUND SNOW LOAD: 25 PSF

WIND EXPOSURE: WIND SPEED:

**APPLICABLE CODES & STANDARDS** 

MICHIGAN BUILDING CODE 2015,

MICHIGAN RESIDENTIAL CODE 2015

ELECTRICAL

NEC 2017 IFC 2015

#### CONTRACTOR

STRAWBERRY SOLAR

PHONE: (248) 760-3184 ADDRESS: 4444 2ND AVE DETROIT, MI 48201

LIC. NO.: 6113290 HIC. NO .: ELE. NO.

UNAUTHORIZED USE OF THIS DRAWING SET WITHOUT WRITTEN PERMISSION FROM CONTRACTOR IS IN VIOLATION OF U.S. COPYRIGHT LAWS AND WILL BE SUBJECT TO CIVIL

NEW PV SYSTEM: 6.500 kW

# WEISBERG RESIDENCE

651 W FRANK ST BIRMINGHAM, MI 48009 APN: 081936153006

**ENGINEER OF RECORD** 

PAPER SIZE: 11" x 17" (ANSI B) **COVER PAGE** 

DATE: 05.05.2019

DESIGN BY: A.T.

CHECKED BY:

REVISIONS

T-001.00



STC: 20 x 325W = 6.500kW SYSTEM SIZE:

ATTACHMENT TYPE: IRONRIDGE FLASHFOOT2

PTC: 20 x 306.5W= 6.130kW DC (20) PANASONIC VBHN325SA16 (1) SOLAR EDGE SE7600A-US (240V)

MSP UPGRADE:

MAY 0 7 2019

CITY OF BIRMINGHAM COMMUNITY DEVELOPMENT DEPARTMENT 02

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		,	

THE GROUNDING ELECTRODE SYSTEM COMPLIES WITH NEC 690.47 AND NEC 250.50
THROUGH 250.106. IF EXISTING SYSTEM IS INACCESSIBLE, OR INADEQUATE, A
GROUNDING ELECTRODE SYSTEM PROVIDED ACCORDING TO NEC 250, NEC 690.47
AND AHJ.

DC PV ARRAYS SHALL BE PROVIDED WITH DC GROUND-FAULT PROTECTION MEETING THE REQUIREMENTS OF 690.41(B)(1) AND (2) TO REDUCE FIRE HAZARDS

#### INTERCONNECTION NOTES:

LOAD-SIDE INTERCONNECTION SHALL BE IN ACCORDANCE WITH [NEC 705.12 (B)]

THE SUM OF THE UTILITY OCPO AND INVERTER CONTINUOUS OUTPUT MAY NOT EXCEED 120% OF BUSBAR RATING [NEC 705.12(B)(2)(3)].

THE SUM OF 125 PERCENT OF THE POWER SOURCE(S) OUTPUT CIRCUIT CURRENT AND THE RATING OF THE OVERCURRENT DEVICE PROTECTING THE BUSBAR SHALL NOT EXCEED 120 PERCENT OF THE AMPACITY OF THE BUSBAR, PV DEDICATED BACKFEED BREAKERS MUST BE LOCATED OPPOSITE END OF THE BUS FROM THE UTILITY SOURCE OCPD [NEC 705.12(B)(2)(3)].

AT MULTIPLE ELECTRIC POWER SOURCES OUTPUT COMBINER PANEL, TOTAL RATING OF ALL OVERCURRENT DEVICES SHALL NOT EXCEED AMPACITY OF BUSBAR. HOWEVER, THE COMBINED OVERCURRENT DEVICE MAY BE EXCLUDED ACCORDING TO NEC 705.12 (B)(2)(3)(C).

FEEDER TAP INTERCONECTION (LOAD SIDE) ACCORDING TO NEC 705.12 (B)(2)(1)

SUPPLY SIDE TAP INTERCONNECTION ACCORDING TO NEC 705.12 (A) WITH SERVICE ENTRANCE CONDUCTORS IN ACCORDANCE WITH NEC 230.42 BACKFEEDING BREAKER FOR ELECTRIC POWER SOURCES OUTPUT IS EXEMPT FROM ADDITIONAL FASTENING [NEC 705.12 (B)(5)].

**DISCONNECTION AND OVER-CURRENT PROTECTION NOTES:** 

DISCONNECTING SWITCHES SHALL BE WIRED SUCH THAT WHEN THE SWITCH IS OPENED THE CONDUCTORS REMAINING ENERGIZED ARE CONNECTED TO THE TERMINALS MARKED "LINE SIDE" (TYPICALLY THE UPPER TERMINALS). DISCONNECTS TO BE ACCESSIBLE TO QUALIFIED UTILITY PERSONNEL, BE LOCKABLE, AND BE A VISIBLE-BREAK SWITCH.

BOTH POSITIVE AND NEGATIVE PV CONDUCTORS ARE UNGROUNDED. THEREFORE BOTH MUST OPEN WHERE A DISCONNECT IS REQUIRED, ACCORDING TO NEC 690.13.

ACCORDING TO NEC 690.13.

ISOLATING DEVICES OR EQUIPMENT DISCONNECTING MEANS SHALL BE INSTALLED IN CIRCUITS CONNECTED TO EQUIPMENT AT A LOCATION WITHIN THE EQUIPMENT, OR WITHIN SIGHT AND WITHIN 10 FT OF THE EQUIPMENT. AN EQUIPMENT DISCONNECTING MEANS SHALL BE PERMITTED TO BE REMOTE FROM THE EQUIPMENT WHERE THE EQUIPMENT DISCONNECTING MEANS CAN BE REMOTELY OPERATED FROM WITHIN 10 FT OF THE EQUIPMENT, ACCORDING TO NEC 699.15 (A).

PV SYSTEM CIRCUITS INSTALLED ON OR IN BUILDINGS SHALL INCLUDE A RAPID SHUTDOWN FUNCTION TO REDUCE SHOCK HAZARD FOR EMERGENCY RESPONDERS IN ACCORDANCE WITH 690.12(A) THROUGH (D)

ALL OCPD RATINGS AND TYPES SPECIFIED ACCORDING TO NEC 690.8, 690.9, AND 240.

BOTH POSITIVE AND NEGATIVE PV CONDUCTORS ARE UNGROUNDED, THEREFORE BOTH REQUIRE OVER-CURRENT PROTECTION, ACCORDING TO NEC 240.21. (SEE EXCEPTION IN NEC 690.9)

IF REQUIRED BY AHJ, SYSTEM WILL INCLUDE ARC-FAULT CIRCUIT PROTECTION ACCORDING TO NEC 690.11 AND UL1699B.

WIRING & CONDUIT NOTES:

ALL CONDUIT AND WIRE WILL BE LISTED AND APPROVED FOR THEIR PURPOSE. CONDUIT AND WIRE SPECIFICATIONS ARE BASED ON MINIMUM CODE REQUIREMENTS AND ARE NOT MEANT TO LIMIT UP-SIZING.
ALL CONDUCTORS SIZED ACCORDING TO NEC 690.8, NEC 690.7.
EXPOSED PV SOURCE CIRCUITS AND OUTPUT CIRCUITS SHALL USE WIRE LISTED AND IDENTIFIED AS PHOTOVOLTAIC (PV) WIRE (690.31 (C)). PV MODULES WIRE LEADS SHALL BE LISTED FOR USE ON PV ARRAYS, ACCORDING TO NEC 690.31 (A).

PV WIRE BLACK WIRE MAY BE FIELD-MARKED WHITE [NEC 200.6 (A)(6)].
MODULE WIRING SHALL BE LOCATED AND SECURED UNDER THE ARRAY.
ACCORDING TO NEC 200.7, UNGROUNDED SYSTEMS DC CONDUCTORS
COLORED OR MARKED AS FOLLOWS:

DC POSITIVE- RED, OR OTHER COLOR EXCLUDING WHITE, GREY AND GREEN

DC NEGATIVE- BLACK, OR OTHER COLOR EXCLUDING WHITE, GREY AND GREEN

AC CONDUCTORS COLORED OR MARKED AS FOLLOWS: PHASE A OR L1-BLACK

PHASE B OR L2- RED, OR OTHER CONVENTION IF THREE PHASE PHASE C OR L3- BLUE, YELLOW, ORANGE\*, OR OTHER CONVENTION NEUTRAL- WHITE OR GREY

• IN 4-WIRE DELTA CONNECTED SYSTEMS THE PHASE WITH HIGHER VOLTAGE TO BE MARKED ORANGE [NEC 110.15].



#### CONTRACTOR

STRAWBERRY SOLAR

PHONE: (248) 760-3184 ADDRESS: 4444 2ND AVE DETROIT, MI 48201

LIC. NO.: 6113290

HIC. NO.: ELE. NO.:

UNAUTHORIZED USE OF THIS
DRAWING SET WITHOUT WRITTEN
PERMISSION FROM CONTRACTOR IS IN
VIOLATION OF U.S. COPYRIGHT LAWS
AND WILL BE SUBJECT TO CIVIL
DAMAGES AND PROSECUTIONS

NEW PV SYSTEM: 6.500 kW

# WEISBERG RESIDENCE

651 W FRANK ST BIRMINGHAM, MI 48009 APN: 081936153006

**ENGINEER OF RECORD** 

PAPER SIZE: 11" x 17" (ANSI B)

NOTES

DATE: 05.05.2019

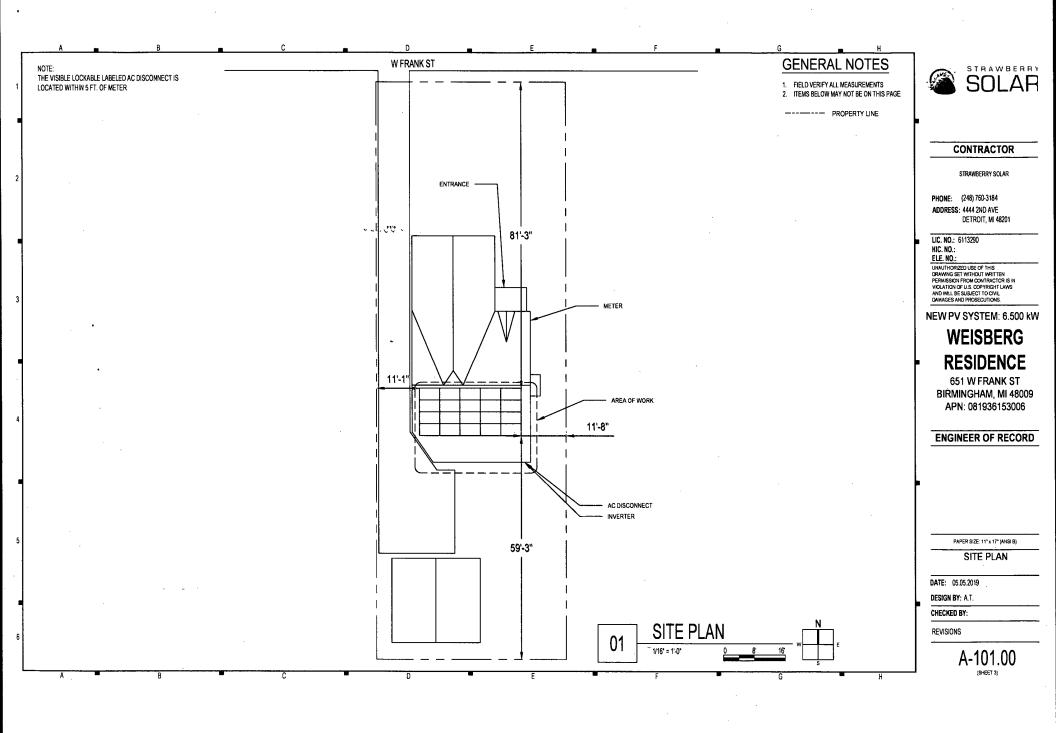
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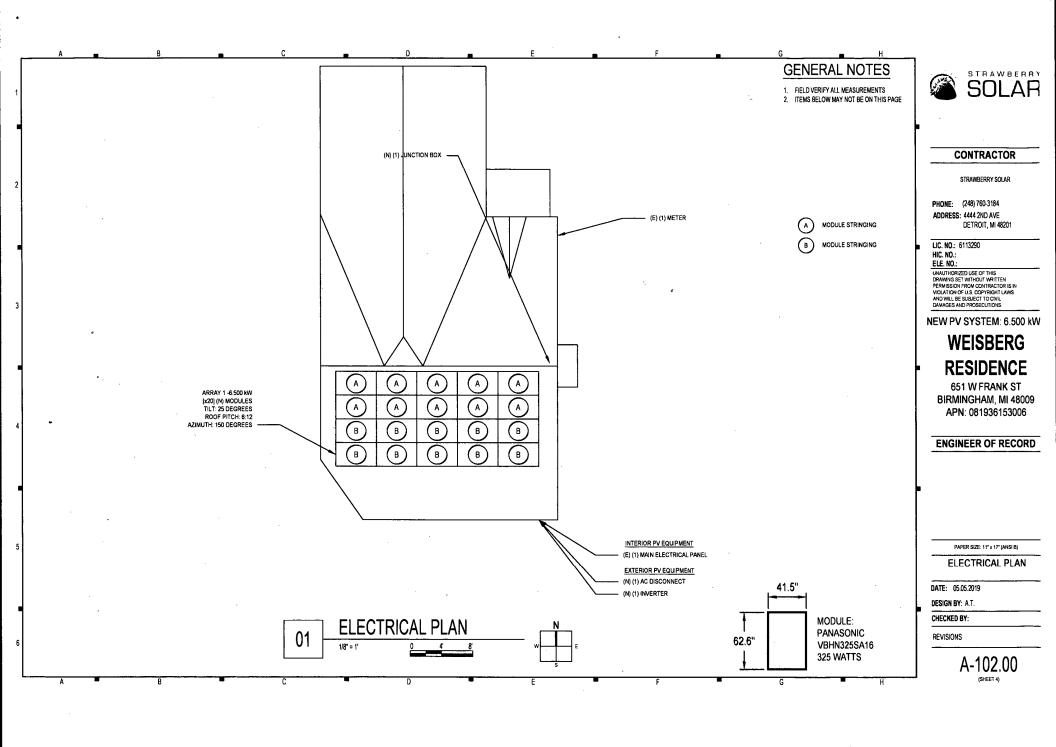
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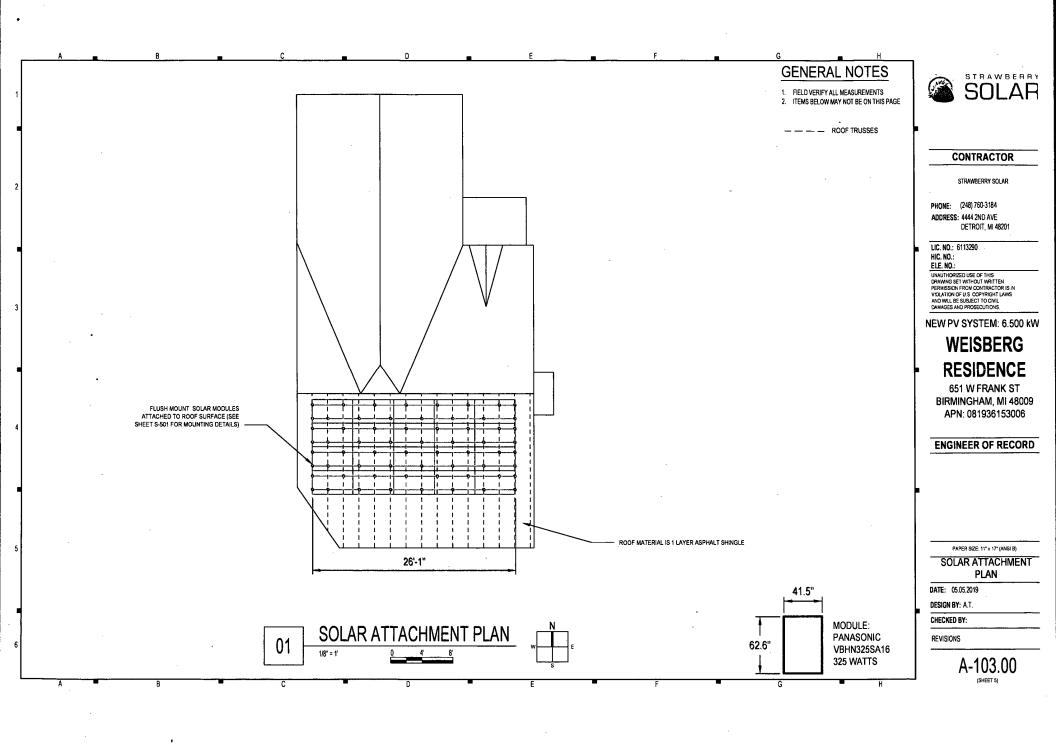
REVISIONS

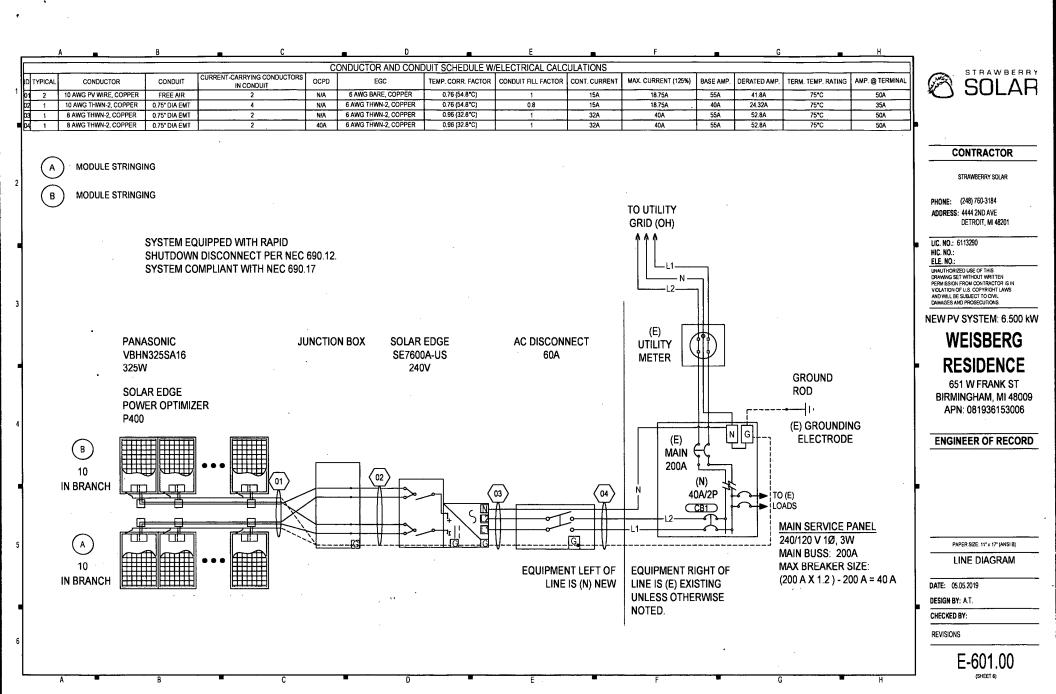
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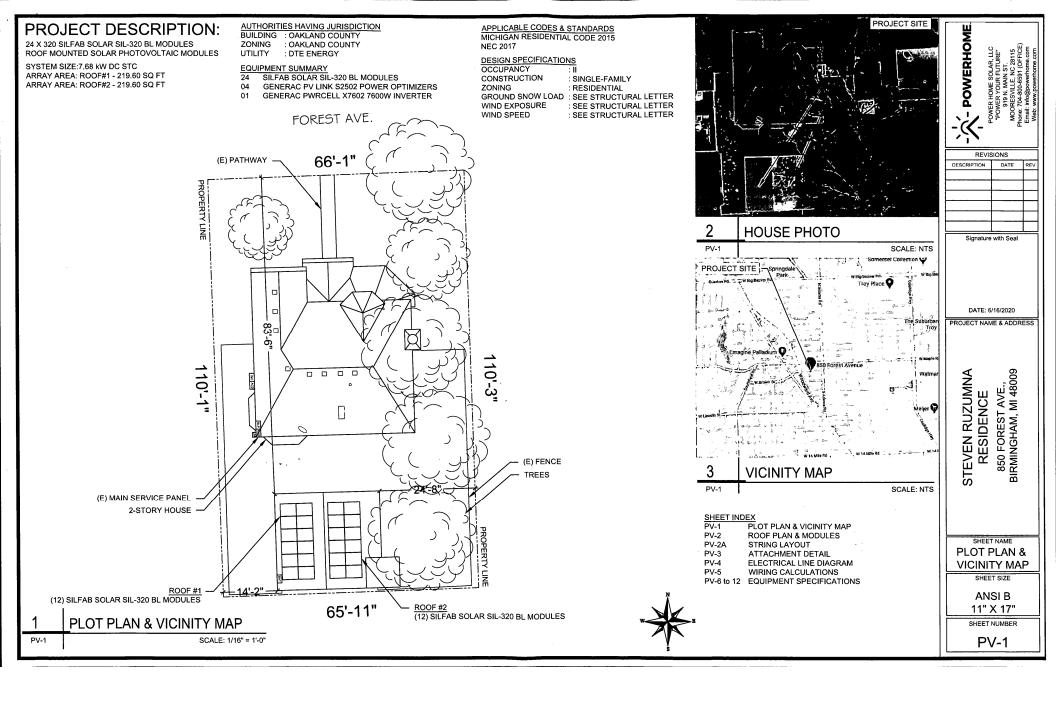
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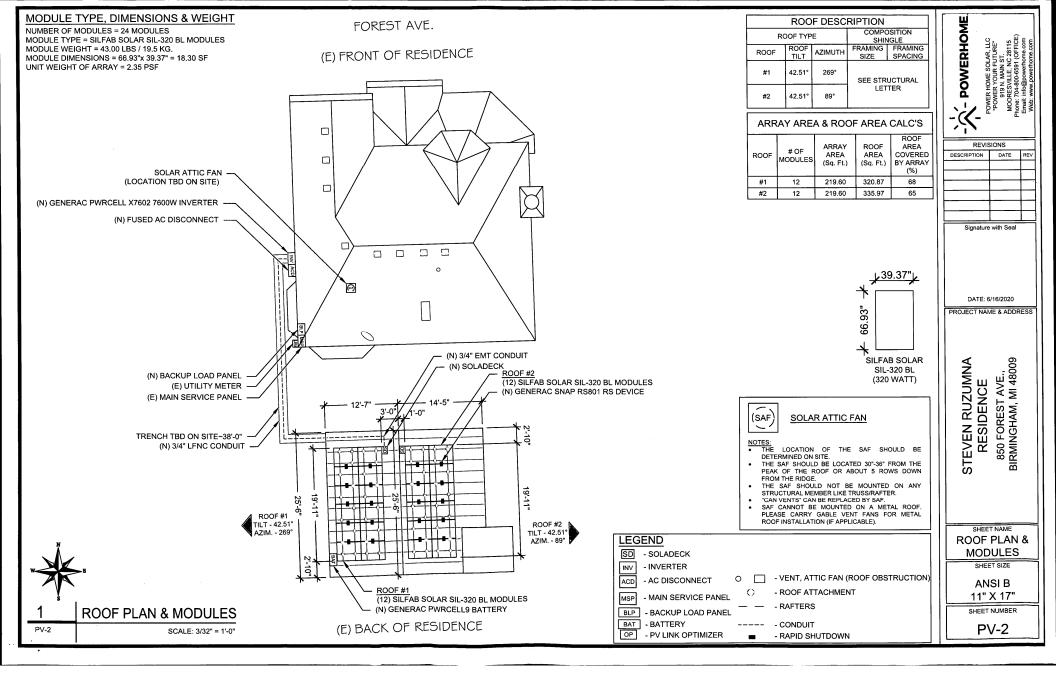






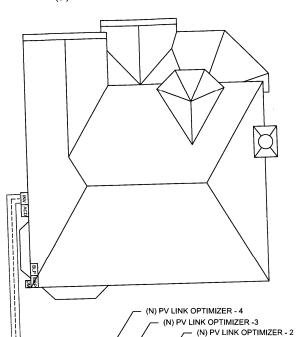






### FOREST AVE.

### (E) FRONT OF RESIDENCE



(E) BACK OF RESIDENCE

(N) PV LINK OPTIMIZER - 1

BILL OF MATERIALS			
EQUIPMENT	QTY	DESCRIPTION	
SOLAR PV MODULE	24	SILFAB SOLAR SIL-320 BL MODULES	
OPTIMIZER	04	GENERAC PV LINK S2502 POWER OPTIMIZERS	
GENERAC SNAP RS	24	GENERAC SNAPRS MODEL RS801	
INVERTER	01	GENERAC PWRCELL X7602 7600W INVERTER	
AC DISCONNECT	1	60A FUSED, (2) 40A FUSES, 240V, NEMA 3R, UL LISTED	
SOLADECK	2	SOLADECKS 600 V, NEMA 3R, UL LISTED	
BATTERY	1	GENERAC PWRCELL9 BATTERY	
BACKUP PANEL	1	125A, BACKUP PANEL, 240V	
RAILS	12	QRAIL LIGHT 14 FT. BLACK	
SPLICE KIT	8	QSPLICE INTERNAL LIGHT	
WEEB BMC	0	WEEB BMC MILL	
MODULE CLAMPS	40	UNIVERSAL MID CLAMP	
GROUNDING LUG	4	WEEB LUG W/ T-BOLT	
END CLAMPS	16	UNIVERSAL END CLAMPS	
ATTACHMENT	53	L-MOUNT ATTACHMENT (QUICKMOUNT)	
T-BOLT	57	T-BOLT W/ NUT M8 X 20MM	

-X- POWERHOME

L			
REVISIONS			
DESCRIPTION	DATE	REV	
Cignoture with Coal			

DATE: 6/16/2020

PROJECT NAME & ADDRESS

STEVEN RUZUMNA RESIDENCE 850 FOREST AVE., BIRMINGHAM, MI 48009

> SHEET NAME **STRING** LAYOUT

SHEET SIZE ANSI B

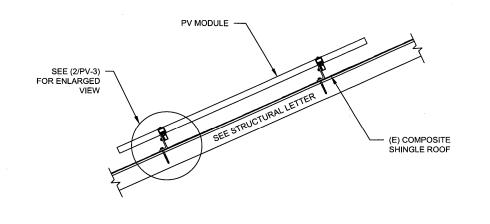
11" X 17" SHEET NUMBER

PV-2A

**ROOF PLAN WITH STRING LAYOUT** 

PV-2A

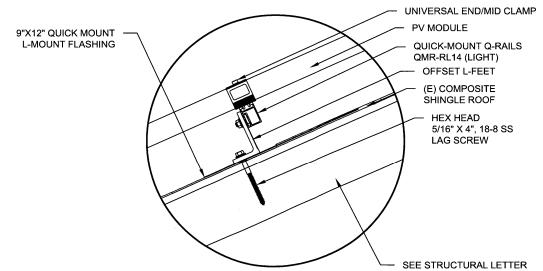
SCALE: 3/32" = 1'-0"



ATTACHMENT DETAIL PV-3

P.V-3

SCALE: 1" = 1'-0"



ATTACHMENT DETAIL (enlarged view)

SCALE: NTS

-X- POWERHOME

REVISIONS		
DESCRIPTION	DATE	REV
Citure with Cool		

Signature with Seal

DATE: 6/16/2020

PROJECT NAME & ADDRESS

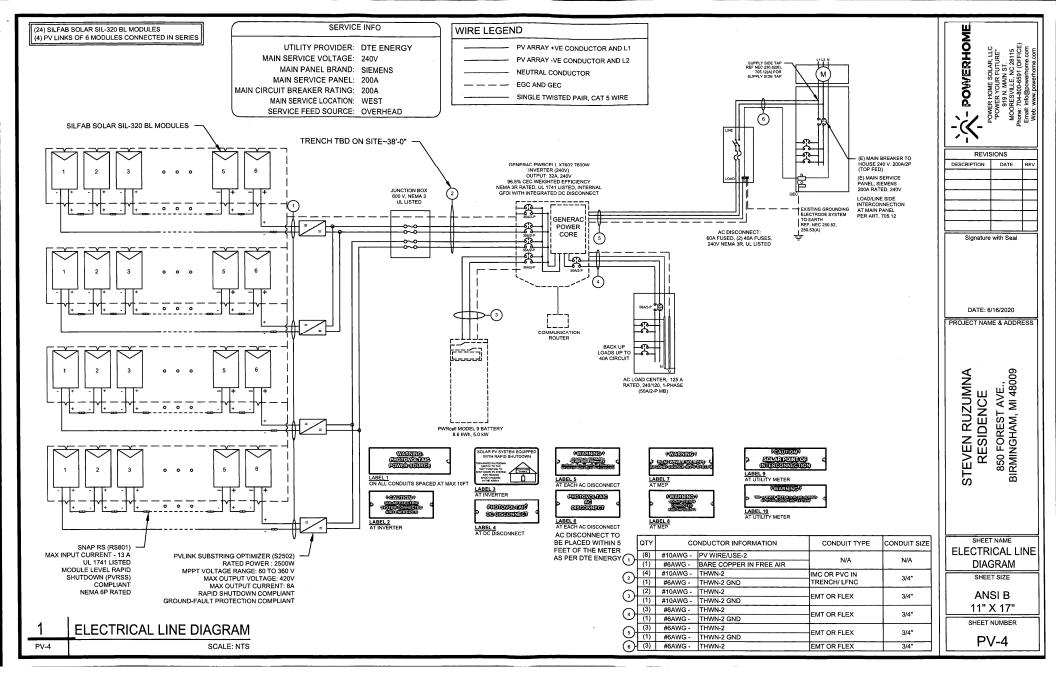
STEVEN RUZUMNA RESIDENCE 850 FOREST AVE., BIRMINGHAM, MI 48009

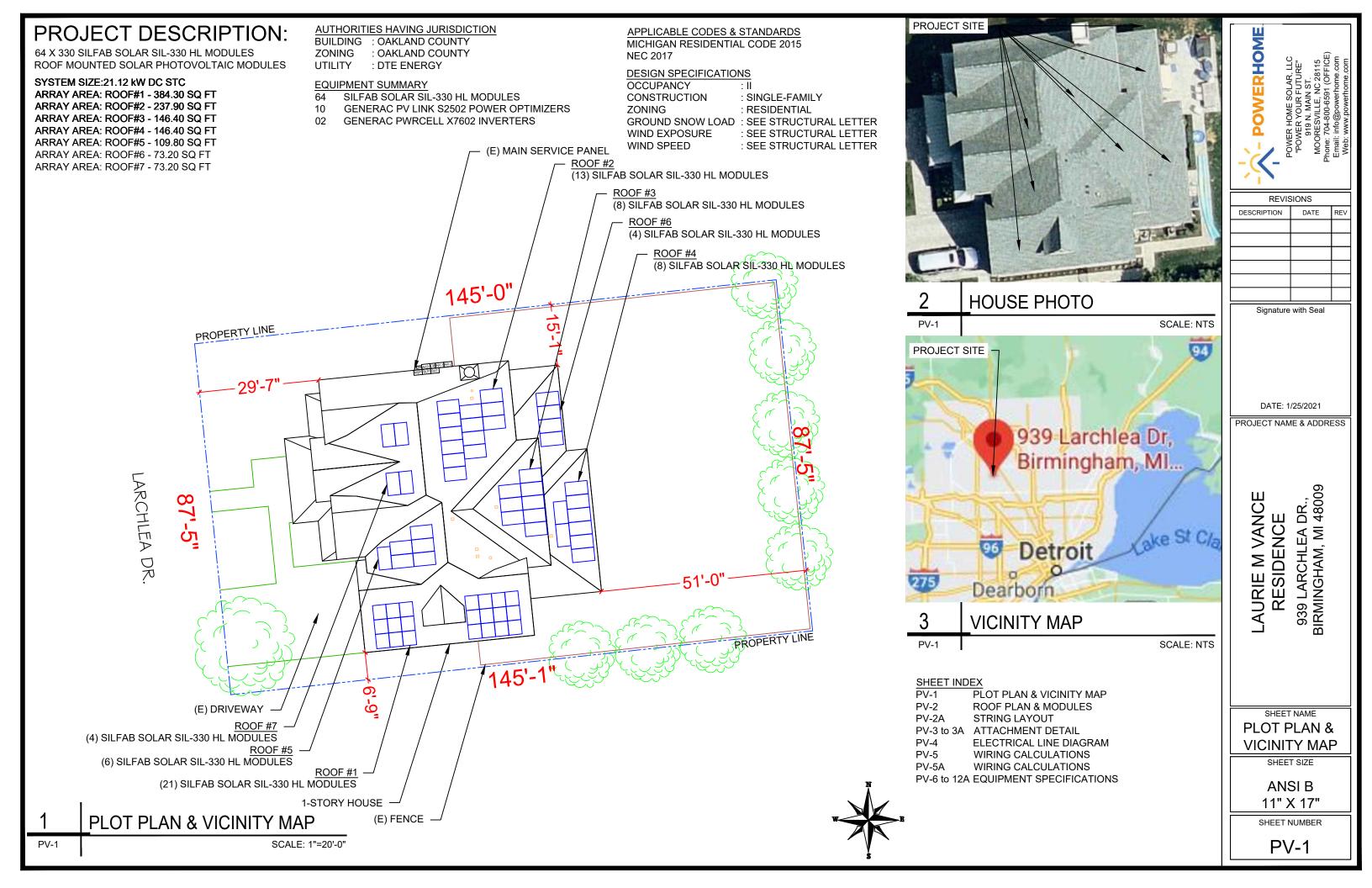
SHEET NAME ATTACHMENT **DETAIL** 

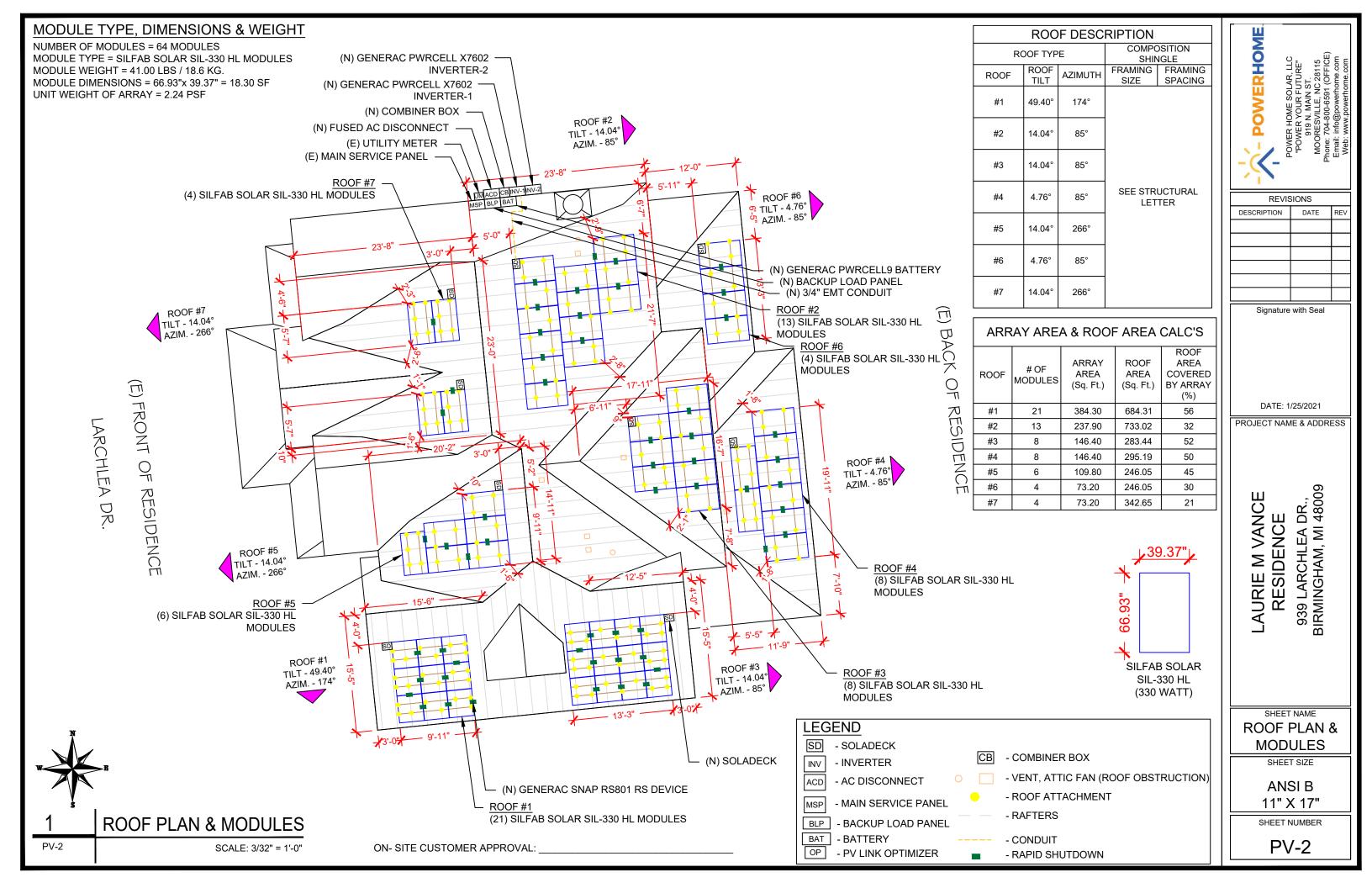
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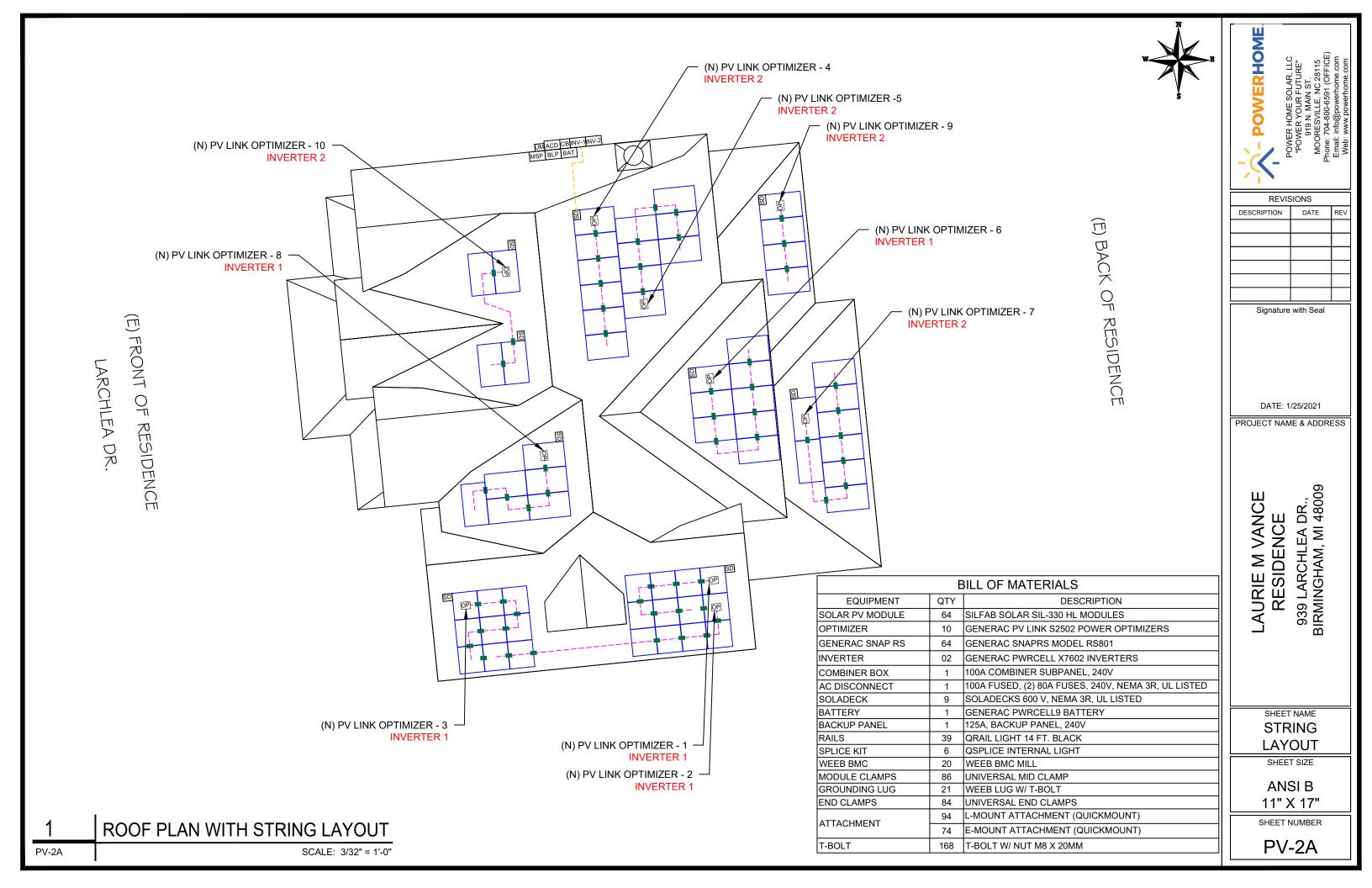
ANSI B 11" X 17"

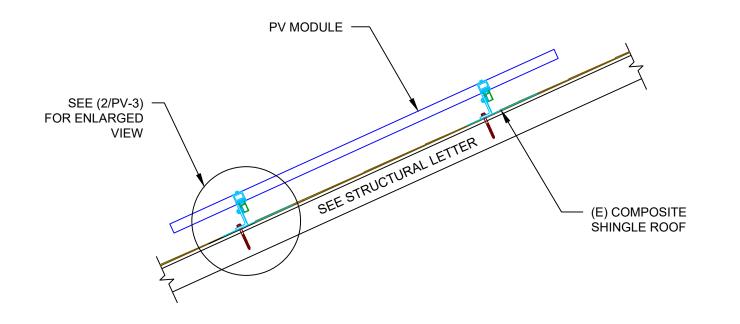
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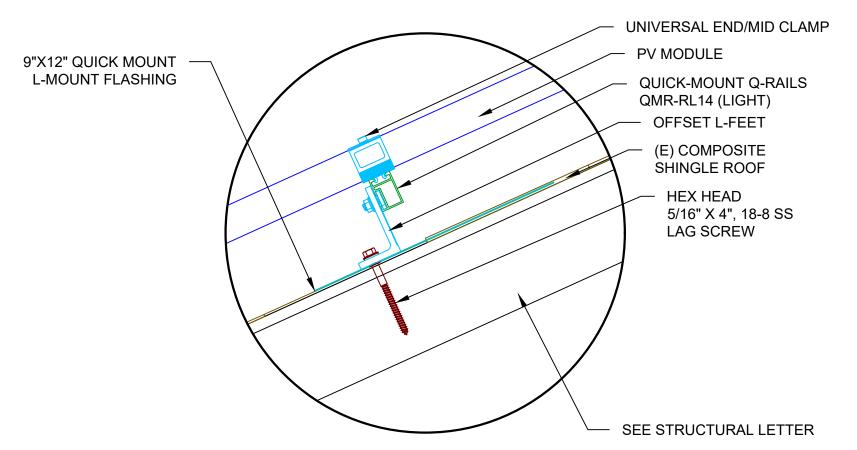






1 ATTACHMENT DETAIL

PV-3 SCALE: 1" = 1'-0"



POWER HOME SOLAR, LLC
"POWER YOUR FUTURE"
919 N. MAIN ST.
MOORESVILLE, NC 28115

-			
REVISIONS			
DESCRIPTION	DATE	REV	

Signature with Seal

DATE: 1/25/2021

PROJECT NAME & ADDRESS

LAURIE M VANCE RESIDENCE 939 LARCHLEA DR., BIRMINGHAM, MI 48009

SHEET NAME
ATTACHMENT
DETAIL

SHEET SIZE

ANSI B 11" X 17"

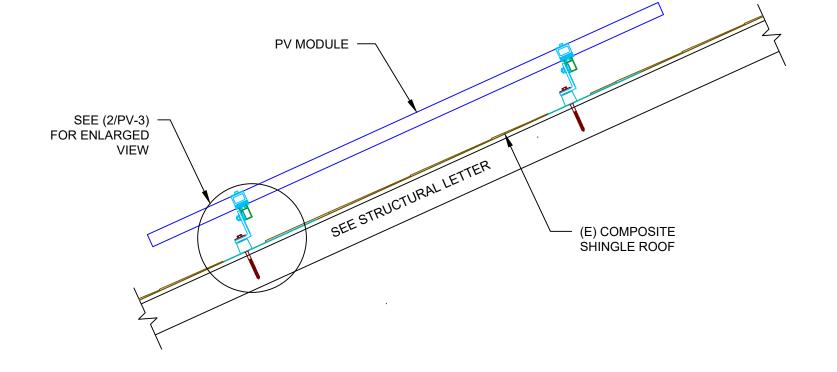
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PV-3

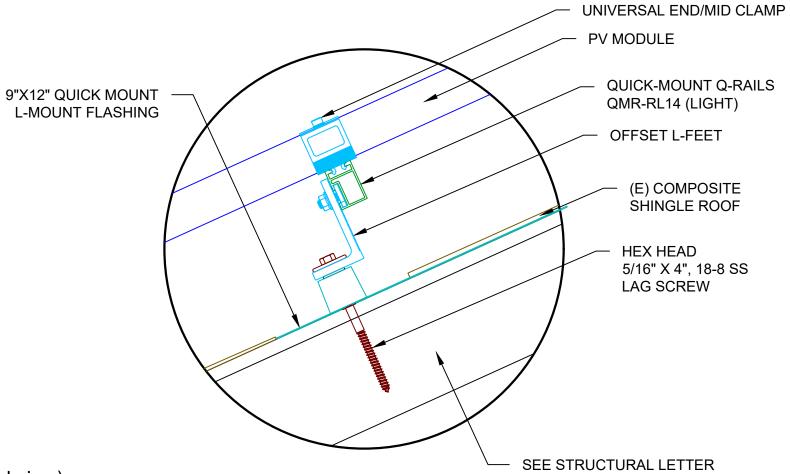
\_\_\_ATTACHMENT DETAIL (enlarged view)

PV-3

SCALE: NTS



1 ATTACHMENT DETAIL
PV-3A SCALE: 1" = 1'-0"



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MOORESVILLE, NC 28115

REVISIONS			
DESCRIPTION DATE REV			

Signature with Seal

DATE: 1/25/2021

PROJECT NAME & ADDRESS

LAURIE M VANCE RESIDENCE 939 LARCHLEA DR., BIRMINGHAM, MI 48009

SHEET NAME
ATTACHMENT
DETAIL

SHEET SIZE

ANSI B 11" X 17"

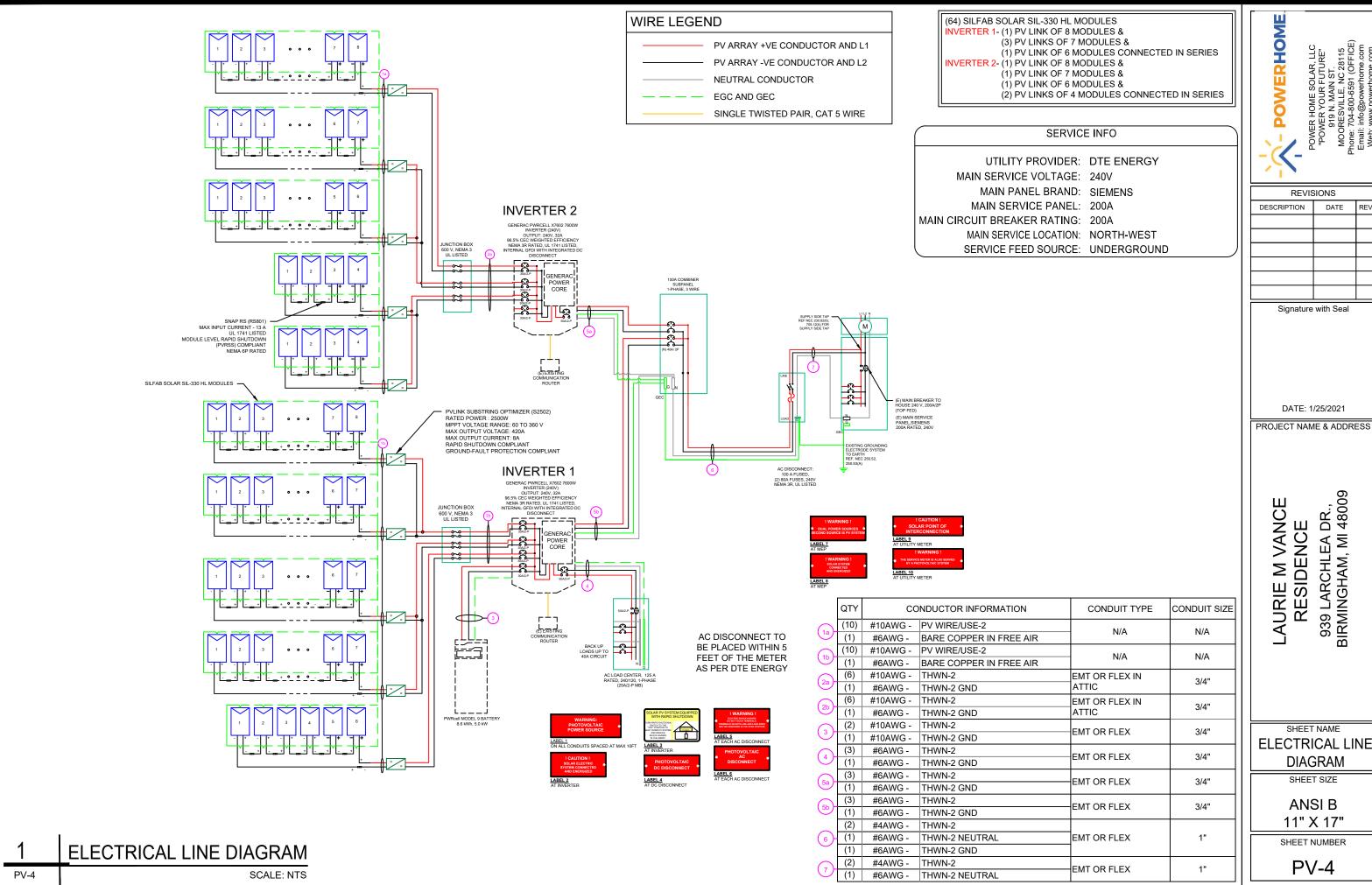
SHEET NUMBER

PV-3A

ATTACHMENT DETAIL (enlarged view)

PV-3A

SCALE: NTS



C 28115 (OFFICE) ome.com

REVISIONS			
DESCRIPTION	DATE	REV	

SHEET NAME **ELECTRICAL LINE** 

SOLAR MODULE SPECIFICATIONS			
MANUFACTURER / MODEL # SILFAB SOLAR SIL-330 HL			
VMP	33.70V		
IMP	9.80A		
VOC	40.10V		
ISC	10.40A		
TEMP. COEFF. VOC	-0.28%/°C		
PTC RATING	307.56W		
MODULE DIMENSION	66.93"L x 39.37"W x 1.50"D (In Inch)		

INVERTER SPECIFICATIONS			
MANUFACTURER / MODEL #	GENERAC PWRCELL X7602		
AC POWER OUTPUT (LOADS/GRID)	7600VA		
AC POWER OUTPUT (BACKUP)	8000VA		
NOMINAL OUTPUT VOLTAGE	240 VAC		
MAX OUTPUT CURRENT @240V (LOADS/GRID)	32A		
MAX OUTPUT CURRENT @240V (BACKUP)	50A		
NOMINAL DC INPUT VOLTAGE	380Vdc		
MAX DC INPUT VOLTAGE	420Vdc		
CEC WEIGHTED EFFICIENCY	96.5%		
MAX DC POWER (PV)	10000W		
MAX INPUT CURRENT (PV)	20Adc		
CONT. PEAK POWER (BATTERY)	8000W		

SERIES SUB STRING OPTIMIZER SPECIFICATIONS		
MANUFACTURER / MODEL #	PV LINK S2502	
RATED POWER	2500W	
MPPT VOLTAGE RANGE	60-360 Vmp	
MAXIMUM INPUT VOLTAGE	420Voc	
MAXIMUM OUTPUT	420 Adc	
NOMINAL OUTPUT	380 Vdc	
MAXIMUM OUTPUT CURRENT	8 A	
MAXIMUM SHORT CIRCUIT CURRENT	18 A	

BATTERY SPECIFICATIONS		
MANUFACTURER / MODEL #	GENERAC PWRCELL9 BATTERY	
USABLE ENERGY	8.6kWH	
RATED CONTINUOUS POWER	3.4kW	
POWER: 60 MINUTES	4.2kW	
POWER: 2 MINUTES	5.0kW	
REBUS VOLTAGE: INPUT/ OUTPUT	360-420Vdc	
MODULE VOLTAGE	46.8Vdc	
ROUND-TRIP EFFICIENCY	96.5%	

AMBIENT TEMPERATURE SPECS		
RECORD LOW TEMP	-12°	
AMBIENT TEMP (HIGH TEMP 2%)	34°	
CONDUIT HEIGHT	0.5"	
ROOF TOP TEMP	56°	

### **CALCULATIONS FOR INVERTER 1**

### DC CONDUCTOR AMPACITY CALCULATIONS: ARRAY TO PV LINK OPTIMIZER:

EXPECTED WIRE TEMP (In Celsius)	56°
TEMP. CORRECTION PER NEC TABLE 310.15 (B)(2)(a)	0.71
NO. OF CURRENT CARRYING CONDUCTORS	10
CONDUIT FILL CORRECTION PER NEC TABLE 310.15(B)(3)(a)	0.5
CIRCUIT CONDUCTOR SIZE	10 AWG
CIRCUIT CONDUCTOR AMPACITY PER NEC TABLE 310.15(B)(16)	40A

REQUIRED CIRCUIT CONDUCTOR AMPACITY PER NEC 690.8(A&B)	104
1.25 X Isc	10A
DERATED AMPACITY OF CIRCUIT CONDUCTOR	
TEMP. CORRECTION PER TABLE 310.15 (B)(2)(a) X CONDUIT FILL CORRECTION PER NEC 310.15(B)(3)(a) X CIRCUIT CONDUCTOR AMPACITY 310.15 (B)(16)	14.2A

Result should be greater than (10A) otherwise less the entry for circuit conductor size and ampacity

### FROM PV LINK OPTIMIZER TO INVERTER - 1:

EXPECTED WIRE TEMP (In Celsius)	56 <b>°</b>
TEMP. CORRECTION PER NEC TABLE 310.15 (B)(2)(a)	0.71
NO. OF CURRENT CARRYING CONDUCTORS	6
CONDUIT FILL CORRECTION PER NEC TABLE 310.15(B)(3)(a)	0.8
CIRCUIT CONDUCTOR SIZE	10 AWG
CIRCUIT CONDUCTOR AMPACITY PER NEC TABLE 310.15(B)(16)	40A
	•

REQUIRED CIRCUIT CONDUCTOR AMPACITY PER NEC 690.8(A&B)	20A
1.25 X lsc X # of PV LINKS	20A
DERATED AMPACITY OF CIRCUIT CONDUCTOR	
TEMP. CORRECTION PER TABLE 310.15 (B)(2)(a) X CONDUIT FILL CORRECTION PER NEC 310.15(B)(3)(a) X CIRCUIT CONDUCTOR AMPACITY 310.15 (B)(16)	22.72A

Result should be greater than (20A) otherwise less the entry for circuit conductor size and ampacity

### AC CONDUCTOR AMPACITY CALCULATIONS: FROM INVERTER - 1 TO COMBINER PANEL:

No. OF INVERTER	1
EXPECTED WIRE TEMP (In Celsius)	34°
TEMP. CORRECTION PER NEC TABLE 310.15(B)(2)(a)	0.96
NO. OF CURRENT CARRYING CONDUCTORS	3
CONDUIT FILL CORRECTION PER NEC TABLE 310.15(B)(3)(a)	1
CIRCUIT CONDUCTOR SIZE	6 AWG
CIRCUIT CONDUCTOR AMPACITY PER NEC TABLE 310.15(B)(16)	75A
	•

REQUIRED CIRCUIT CONDUCTOR AMPACITY PER NEC 690.8(A&B)	404
1.25 X MAX INVERTER OUTPUT CURRENT (LOADS/ GRID)	40A
DERATED AMPACITY OF CIRCUIT CONDUCTOR	
TEMP. CORRECTION PER TABLE 310.15 (B)(2)(a) X CONDUIT FILL CORRECTION PER NEC 310.15(B)(3)(a) X CIRCUIT CONDUCTOR AMPACITY 310.15 (B)(16)	72A

Result should be greater than (40A) otherwise less the entry for circuit conductor size and ampacity

### **CALCULATIONS FOR INVERTER 2**

### DC CONDUCTOR AMPACITY CALCULATIONS: ARRAY TO PV LINK OPTIMIZER:

56°
0.71
10
0.5
10 AWG
40A

REQUIRED CIRCUIT CONDUCTOR AMPACITY PER NEC 690.8(A&B)	
, ,	10A
1.25 X Isc	
DERATED AMPACITY OF CIRCUIT CONDUCTOR	
TEMP. CORRECTION PER TABLE 310.15 (B)(2)(a) X CONDUIT FILL CORRECTION PER NEC 310.15(B)(3)(a) X CIRCUIT CONDUCTOR AMPACITY 310.15 (B)(16)	14.2A

Result should be greater than (10A) otherwise less the entry for circuit conductor size and ampacity

### FROM PV LINK OPTIMIZER TO INVERTER - 2:

	EXPECTED WIRE TEMP (In Celsius)	56 <b>°</b>
	TEMP. CORRECTION PER NEC TABLE 310.15 (B)(2)(a)	0.71
Ī	NO. OF CURRENT CARRYING CONDUCTORS	6
Ī	CONDUIT FILL CORRECTION PER NEC TABLE 310.15(B)(3)(a)	0.8
	CIRCUIT CONDUCTOR SIZE	10 AWG
	CIRCUIT CONDUCTOR AMPACITY PER NEC TABLE 310.15(B)(16)	40A

REQUIRED CIRCUIT CONDUCTOR AMPACITY PER NEC 690.8(A&	B) 20A
1.25 X lsc X # of PV LINKS	20A
DERATED AMPACITY OF CIRCUIT CONDUCTOR	
TEMP. CORRECTION PER TABLE 310.15 (B)(2)(a) X CONDUIT FILL CORRECTION PER NEC 310.15(B)(3)(a) X CIRCUIT CONDUCTOR AMPACITY 310.15 (B)(16)	22.72A

Result should be greater than (20A) otherwise less the entry for circuit conductor size and ampacity

### AC CONDUCTOR AMPACITY CALCULATIONS: FROM INVERTER - 2 TO COMBINER PANEL:

No. OF INVERTER	1
EXPECTED WIRE TEMP (In Celsius)	34*
TEMP. CORRECTION PER NEC TABLE 310.15(B)(2)(a)	0.96
NO. OF CURRENT CARRYING CONDUCTORS	3
CONDUIT FILL CORRECTION PER NEC TABLE 310.15(B)(3)(a)	1
CIRCUIT CONDUCTOR SIZE	6 AWG
CIRCUIT CONDUCTOR AMPACITY PER NEC TABLE 310.15(B)(16)	75A

REQUIRED CIRCUIT CONDUCTOR AMPACITY PER NEC 690.8(A&B)	404
1.25 X MAX INVERTER OUTPUT CURRENT (LOADS/ GRID)	40A
DERATED AMPACITY OF CIRCUIT CONDUCTOR	
TEMP. CORRECTION PER TABLE 310.15 (B)(2)(a) X CONDUIT FILL CORRECTION PER NEC 310.15(B)(3)(a) X CIRCUIT CONDUCTOR AMPACITY 310.15 (B)(16)	72A

Result should be greater than (40A) otherwise less the entry for circuit conductor size and ampacity

# - POWERHOME

POWER HOME SOLAR, LI
"POWER YOUR FUTURE
919 N. MAIN ST.
MOORESVILLE, NC 2811
Phone: 704-800-6591 (OFFI
Fmail: info@bowerhome.cc

REVISIONS			
DESCRIPTION	DATE	REV	
•			

Signature with Seal

DATE: 1/25/2021

PROJECT NAME & ADDRESS

LAURIE M VANCE RESIDENCE 939 LARCHLEA DR.,

SHEET NAME
WIRING
CALCULATIONS

SHEET SIZE

ANSI B 11" X 17"

SHEET NUMBER

SOLAR MODULE SPECIFICATIONS		
MANUFACTURER / MODEL #	SILFAB SOLAR SIL-330 HL	
VMP	33.70V	
IMP	9.80A	
VOC	40.10V	
ISC	10.40A	
TEMP. COEFF. VOC	-0.28%/°C	
PTC RATING	307.56W	
MODULE DIMENSION	66.93"L x 39.37"W x 1.50"D (In Inch)	

INVERTER SPECIFICATIONS		
MANUFACTURER / MODEL #	GENERAC PWRCELL X7602	
AC POWER OUTPUT (LOADS/GRID)	7600VA	
AC POWER OUTPUT (BACKUP)	8000VA	
NOMINAL OUTPUT VOLTAGE	240 VAC	
MAX OUTPUT CURRENT @240V (LOADS/GRID)	32A	
MAX OUTPUT CURRENT @240V (BACKUP)	50A	
NOMINAL DC INPUT VOLTAGE	380Vdc	
MAX DC INPUT VOLTAGE	420Vdc	
CEC WEIGHTED EFFICIENCY	96.5%	
MAX DC POWER (PV)	10000W	
MAX INPUT CURRENT (PV)	20Adc	
CONT. PEAK POWER (BATTERY)	8000W	

SERIES SUB STRING OPTIMIZER SPECIFICATIONS	
MANUFACTURER / MODEL #	PV LINK S2502
RATED POWER	2500W
MPPT VOLTAGE RANGE	60-360 Vmp
MAXIMUM INPUT VOLTAGE	420Voc
MAXIMUM OUTPUT	420 Adc
NOMINAL OUTPUT	380 Vdc
MAXIMUM OUTPUT CURRENT	8 A
MAXIMUM SHORT CIRCUIT CURRENT	18 A

AMBIENT TEMPERATURE SPECS	
RECORD LOW TEMP	-12°
AMBIENT TEMP (HIGH TEMP 2%)	34°
CONDUIT HEIGHT	0.5"
ROOF TOP TEMP	56°

### FROM BATTERY TO INVERTER - 1:

EXPECTED WIRE TEMP (In Celsius)	34 <b>°</b>
TEMP. CORRECTION PER NEC TABLE 310.15 (B)(2)(a)	0.96
NO. OF CURRENT CARRYING CONDUCTORS	2
CONDUIT FILL CORRECTION PER NEC TABLE 310.15(B)(3)(a)	1
CIRCUIT CONDUCTOR SIZE	10 AWG
CIRCUIT CONDUCTOR AMPACITY PER NEC TABLE310.15(B)(16)	40A

REQUIRED CIRCUIT CONDUCTOR AMPACITY PER NEC 690.8(A&B)	26.25A
1.25 X Imax	20.25A
DERATED AMPACITY OF CIRCUIT CONDUCTOR	
TEMP. CORRECTION PER TABLE 310.15 (B)(2)(a) X CONDUIT FILL CORRECTION PER NEC 310.15(B)(3)(a) X CIRCUIT CONDUCTOR AMPACITY 310.15 (B)(16)	38.40A
B # 1 111	

Result should be greater than (26.25A) otherwise less the entry for circuit conductor size and ampacity

### AC CONDUCTOR AMPACITY CALCULATIONS: FROM INVERTER - 1 TO BACK-UP PANEL:

No. OF INVERTER	1
EXPECTED WIRE TEMP (In Celsius)	34 <b>°</b>
TEMP. CORRECTION PER NEC TABLE 310.15(B)(2)(a)	0.96
NO. OF CURRENT CARRYING CONDUCTORS	3
CONDUIT FILL CORRECTION PER NEC TABLE 310.15(B)(3)(a)	1
CIRCUIT CONDUCTOR SIZE	6 AWG
CIRCUIT CONDUCTOR AMPACITY PER NEC TABLE 310.15(B)(16)	75 A

REQUIRED CIRCUIT CONDUCTOR AMPACITY PER NEC 690.8(A&B)	40 A
1.25 X INVERTER OUTPUT CURRENT (BACKUP POWER)	40 A
DERATED AMPACITY OF CIRCUIT CONDUCTOR	
TEMP. CORRECTION PER TABLE 310.15 (B)(2)(a) X CONDUIT FILL CORRECTION PER NEC 310.15(B)(3)(a) X CIRCUIT CONDUCTOR AMPACITY 310.15 (B)(16)	72A

Result should be greater than (40A) otherwise less the entry for circuit conductor size and ampacity

### **ELECTRICAL NOTES**

- 1.) ALL EQUIPMENT TO BE LISTED BY UL OR OTHER NRTL, AND LABELED FOR ITS APPLICATION.
- 2.) ALL CONDUCTORS SHALL BE COPPER, RATED FOR 600 V AND 90 DEGREE C WET ENVIRONMENT.
- 3.) WIRING, CONDUIT, AND RACEWAYS MOUNTED ON ROOFTOPS SHALL BE ROUTED DIRECTLY TO, AND LOCATED AS CLOSE AS POSSIBLE TO THE NEAREST RIDGE, HIP, OR VALLEY.
- 4.) WORKING CLEARANCES AROUND ALL NEW AND EXISTING ELECTRICAL EQUIPMENT SHALL COMPLY WITH NEC 110.26.
- 5.) DRAWINGS INDICATE THE GENERAL ARRANGEMENT OF SYSTEMS. CONTRACTOR SHALL FURNISH ALL NECESSARY OUTLETS, SUPPORTS, FITTINGS AND ACESSORIES TO FULFILL APPLICABLE CODES AND STANDARDS.
- 6.) WHERE SIZES OF JUNCTION BOXES, RACEWAYS, AND CONDUITS ARE NOT SPECIFIED, THE CONTRACTOR SHALL SIZE THEM ACCORDINGLY.
- 7.) ALL WIRE TERMINATIONS SHALL BE APPROPRIATELY LABELED AND READILY VISIBLE.
- 8.) MODULE GROUNDING CLIPS TO BE INSTALLED BETWEEN MODULE FRAME AND MODULE SUPPORT RAIL, PER THE GROUNDING CLIP MANUFACTURER'S INSTRUCTION.
- 9.) MODULE SUPPORT RAIL TO BE BONDED TO CONTINUOUS COPPER G.E.C. VIA WEEB LUG OR ILSCO GBL-4DBT LAY-IN LUG.
- 10.) THE POLARITY OF THE GROUNDED CONDUCTORS IS NEGATIVE

### AC CONDUCTOR AMPACITY CALCULATIONS: FROM COMBINER TO POI:

No. OF INVERTER	2
EXPECTED WIRE TEMP (In Celsius)	34°
TEMP. CORRECTION PER NEC TABLE 310.15(B)(2)(a)	0.96
NO. OF CURRENT CARRYING CONDUCTORS	3
CONDUIT FILL CORRECTION PER NEC TABLE 310.15(B)(3)(a)	1
CIRCUIT CONDUCTOR SIZE	4 AWG
CIRCUIT CONDUCTOR AMPACITY PER NEC TABLE 310.15(B)(16)	95A

REQUIRED CIRCUIT CONDUCTOR AMPACITY PER NEC 690.8(A&B)  1.25 X MAX INVERTER OUTPUT CURRENT (LOADS/GRID)  DERATED AMPACITY OF CIRCUIT CONDUCTOR  TEMP. CORRECTION PER TABLE 310.15 (B)(2)(a) X CONDUIT FILL CORRECTION PER NEC 310.15(B)(3)(a) X	
1.25 X MAX INVERTER OUTPUT CURRENT (LOADS/GRID)  DERATED AMPACITY OF CIRCUIT CONDUCTOR  TEMP. CORRECTION PER TABLE 310.15 (B)(2)(a) X  91.2	
TEMP. CORRECTION PER TABLE 310.15 (B)(2)(a) X	ENT (LOADS/GRID)
TEMP. CORRECTION PER TABLE 310.15 (B)(2)(a) X	
CIRCUIT CONDUCTOR AMPACITY 310.15 (B)(16)	C 310.15(B)(3)(a) X

Result should be greater than (80A) otherwise less the entry for circuit conductor size and ampacity



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DATE: 1/25/2021

PROJECT NAME & ADDRESS

LAURIE M VANCE RESIDENCE 939 LARCHLEA DR.,

SHEET NAME
WIRING
CALCULATIONS

SHEET SIZE

ANSI B 11" X 17"

SHEET NUMBER

PV-5A



# **SIL-330 HL**













### **HIGH EFFICIENCY PREMIUM** MONO-PERC PV MODULE









CHUBB

### INDUSTRY LEADING WARRANTY All our products include an industry

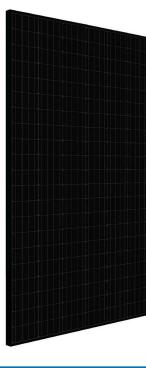
leading 25-year product workmanship and 30-year performance warranty.

### 35+ YEARS OF SOLAR INNOVATION

Leveraging over 35+ years of worldwide experience in the solar industry, Silfab is dedicated to superior manufacturing processes and innovations such as Bifacial and Back Contact technologies, to ensure our partners have the latest in solar innovation.

### **NORTH AMERICAN QUALITY**

Silfab is the leading automated solar module manufacturer in North America. Utilizing premium quality materials and strict quality control management to deliver the highest efficiency, premium quality PV modules.



### **## HALF-CELL TECHNOLOGY**

Designed to improve the module's performance and durability.

### **BAA / ARRA COMPLIANT**

Silfab panels are designed and manufactured to meet Buy American Act Compliance. The US State Department, US Military and FAA have all utilized Silfab panels in their solar installations.

### **III** LIGHT AND DURABLE

Engineered to accommodate high wind load conditions for test loads validated up to 4000Pa uplift. The light-weight frame is exclusively designed for wide-ranging racking compatibility and durability.

### **QUALITY MATTERS**

Total automation ensures strict quality controls during the entire manufacturing process at our ISO certified facilities.

### **##** DOMESTIC PRODUCTION

Silfab Solar manufactures PV modules in two automated locations within North America. Our 500+ North American team is ready to help our partners win the hearts and minds of customers, providing customer service and product delivery that is direct, efficient and local.

### **#** AESTHETICALLY PLEASING

All black sleek design, ideal for high-profile residential or commercial applications.

### **PID RESISTANT**

PID Resistant due to advanced cell technology and material selection. In accordance to IEC 62804-1.

Electrical Specifications		SIL-330 HL mono PERC		
Test Conditions		STC	NOCT	
Module Power (Pmax)	Wp	330	236.3	
Maximum power voltage (Vpmax)	V	33.7	31.3	
Maximum power current (lpmax)	A	9.8	7.5	
Open circuit voltage (Voc)	V	40.1	37.9	
Short circuit current (Isc)	A	10.4	7.9	
Module efficiency	%	19.4	17.4	
Maximum system voltage (VDC)	V		1000	
Series fuse rating	A		20	
Power Tolerance	Wp		0 to +10	

Measurement conditions: STC 1000 W/m² • AM 1.5 • Temperature 25 °C • NOCT 800 W/m² • AM 1.5 • Measurement uncertainty ≤ 3%

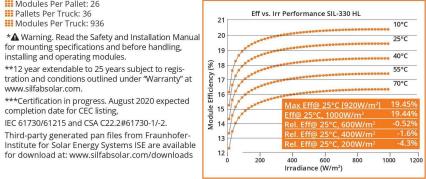
SIL-330 HL	mono PERC	
0.064 %/°C		
-0.28	3 %/°C	
-0.36	5 %/°C	
46	5 °C	
-40/+	-85 °C	
SIL-330 HL	mono PERC	
Metric	Imperial	
18.6 kg ±0.2 kg	41 ±0.4 lbs	
1700 mm x 1000 mm x 38 mm	66.9 in x 39.4 in x 1.5 in	
4000 Pa rear load / 5400 Pa front load N/m <sup>2</sup>	83.5/112.8 lb/ft^2	
ø 25 mm at 83 km/h	ø 1 in at 51.6 mph	
120 Half Cells - Si mono PERC 5 busbar	120 Half Cells - Si mono PERC 5 busbar	
3.2 mm high transmittance, tempered, 0.126 in high transmittance DSM antireflective coating DSM antireflective co		
1350 mm, ø 5.7 mm, MC4 from Staubli 53.1 in, ø 0.22 in (12AWG), , MC4 from St		
High durability, superior hydrolysis and UV resistance, multi-layer dielectric film, fluorine-free PV backsheet		
Anodized Aluminum (Black)		
3 diodes-30SQ045T (45V max DC blocking voltage, 30A max forward rectified current)		
UL 3730 Certified, IP67 rated		
SIL-330 HL mono PERC		
25 years**		
	-0.36 46 -40/+ SIL-330 HL  Metric 18.6 kg ±0.2 kg 1700 mm x 1000 mm x 38 mm 4000 Pa rear load / 5400 Pa front load N/m² Ø 25 mm at 83 km/h 120 Half Cells - Si mono PERC 5 busbar 3.2 mm high transmittance, tempered, DSM antireflective coating 1350 mm, Ø 5.7 mm, MC4 from Staubli High durability, superior hydrolysis and fluorine-free Anodized Alui 3 diodes-30SQ045T (45V max DC blocking UL 3730 Certif	

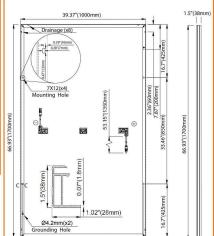
Linear power performance guarantee ≥ 97.1% end 1st year  $\ge$  91.6% end 12th year  $\ge$  85.1% end 25th year  $\ge$  82.6% end 30th year ULC ORD C1703, UL1703, CEC listed\*\*\*, UL 61215-1/-1-1/-2, UL 61730-1/-2, IEC 61215-1/-

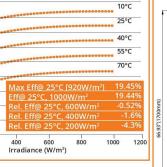
1-1/-2\*\*\*. IEC 61730-1/-2\*\*\*, CSA C22.2#61730-1/-2\*\*\*, IEC 62716 Ammonia Corrosion; IEC61701:2011 Salt Mist Corrosion Certifed, UL Fire Rating: Type 2

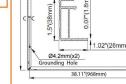
30 years

ISO9001:2015











Product

Factory

**Modules Per Pallet: 26** Pallets Per Truck: 36 **III** Modules Per Truck: 936

www.silfabsolar.com.

completion date for CEC listing,

for mounting specifications and before handling, installing and operating modules. \*\*12 year extendable to 25 years subject to regis-

IEC 61730/61215 and CSA C22.2#61730-1/-2.

Silfab Solar Inc. 240 Courtneypark Drive East Mississauga ON L5T 2Y3 Canada Tel +1 905-255-2501 | Fax +1 905-696-0267 info@silfabsolar.com | www.silfabsolar.com

Silfab Solar Inc. 800 Cornwall Ave Bellingham WA 98225 USA Tel +1 360-569-4733

**∷-PVEL** 

**EQUIPMENT SPECIFICATION** 

**POWERHOME** 

DESCRIPTION

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DATE

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DATE: 1/25/2021

PROJECT NAME & ADDRESS

939 LARCHLEA DR., BIRMINGHAM, MI 48009

URIE M VANCE RESIDENCE

**-AURIE** 

ANSI B 11" X 17"

SHEET SIZE

SHEET NUMBER





7.6kW 10 PWRcell Inverter with CTs Model #: X7602 (Ordering SKU: APKE00014) 11.4 kW 30 PWRcell Inverter with CTs Model #: X11402 (Ordering SKU: APKE00013

Solar + storage is simple with the Generac PWRcell™ Inverter. This bi-directional, REbus™-powered inverter offers a simple, efficient design for integrating smart batteries with solar. Ideal for self-supply, backup power, zero-export and energy cost management, the PWRcell Inverter is the industry's most feature-rich line of inverters, available in single-phase and three-phase models.

### **FEATURES & BENEFITS**

MAX. CONT. AC POWER @ 50°C (122°F):

AC BACKUP OUTPUT VOLTAGE:

AUTOMATIC SWITCHOVER TIME:

AC FREQUENCY:

PEAK MOTOR STARTING CURRENT (2 SEC):

- Single inverter for grid-tied solar with smart battery integration
- Simplified system design: No autotransformer or battery inverter needed
- · User-selectable modes for backup power, self-supply, time-of-use, zero-import and export limiting

9,600-11,000 W<sup>2</sup>

7.500-8.800 W<sup>2</sup>

120/208, 1Ø VAC

60 Hz

< 2%

< 1 Seconds

50 A, RMS

Free system monitoring included via PWRview<sup>™</sup> Web Portal and Mobile App

11,000 W

8.800 W

60 Hz

< 1 Seconds

120/240, 1Ø VAC

AC OUTPUT/GRID-TIE	MODEL X7602	MODEL X11402	
MAX. CONT. GRID-TIED AC POWER @ 50°C (122°F):	7600 W	11400 W	
AC OUTPUT VOLTAGE:	120/240, 1Ø VAC	120/208, 3Ø VAC	
AC FREQUENCY:	60 Hz	60 Hz	
MAXIMUM CONTINUOUS OUTPUT CURRENT:	32 A, RMS	32 A, RMS	
GROUND-FAULT ISOLATION DETECTION:	Included	Included	
CHARGE BATTERY FROM AC:	Yes	Yes	
THD (CURRENT):	< 2%	< 2%	
TYPICAL NIGHTTIME POWER CONSUMPTION:	< 7 W	< 7 W	
AC OUTPUT/ISLANDED	MODEL X7602	MODEL X11402	
MAX. CONT. AC POWER @ 40°C (104°F) W/ SINGLE 6 MODULE BATTERY CABINET!:	9,000 W	9,000 W	

DC INPUT	MODEL X7602	MODEL X11402
DC INPUT VOLTAGE RANGE:	360-420 VDC	360-420 VDC
NOMINAL DC BUS VOLTAGE:	380 VDC	380 VDC
DC DISTRIBUTION INPUT BREAKERS:	4 x 2P30 A	4 x 2P30 A
MAX INPUT CURRENT PER DC INPUT:	30 A	30 A
REVERSE-POLARITY PROTECTION:	Yes	Yes
TRANSFORMERLESS, UNGROUNDED:	Yes	Yes
TYPICAL NIGHTTIME POWER CONSUMPTION:	< 7 W	< 7 W
DC BUS EXPORT FUSES (+/-):	40 A	40 A
2-POLE DISCONNECTION:	Yes	Yes
EFFICIENCY	MODEL X7602	MODEL X11402
PEAK EFFICIENCY:	97.3%	97.7%
CEC WEIGHTED EFFICIENCY:	96.5%	97.5%

Peak Performance

### **Specifications**

FEATURES AND MODES	
ISLANDING <sup>3</sup> :	Yes
GRID SELL:	Yes
SELF CONSUMPTION:	Yes
PRIORITIZED CHARGING FROM RENEWABLES:	Yes
GRID SUPPORT - ZERO EXPORT:	Yes
ESS PCS OPERATION MODES (IMPORT ONLY, EXPORT ONLY):	Yes

ADDITIONAL FEATURES	
SUPPORTED COMMUNICATION INTERFACES:	REbus™, CANbus, Ethernet
SYSTEM MONITORING:	PWRview <sup>™</sup> Web Portal and Mobile App
BACKUP LOADS DISCONNECT <sup>3</sup> :	Yes, 50 A Circuit Breaker
INVERTER BYPASS SWITCH:	Automatic
WARRANTY:	10 Years

STANDARDS COMPLIANCE	
SAFETY:	UL 1741 SA, CSA 22.2, UL 1998
GRID CONNECTION STANDARDS:	IEEE 1547, Rule 21, Rule 14H, CSIP, UL 1741 PCS CRD (Import Only, Export Only)
EMISSIONS:	FCC Part 15 Class B

DIMENSIONS AND INSTALLATION SPECIFICATION	s	
ENCLOSURE KNOCKOUTS - QTY, SIZE - IN (MM):	6 x Combo 3/4" x 1" (19 x 25.4) 7 x Combo 1/2" x 3/4" (12.7 x 19)	
DIMENSIONS L x W x H - IN (MM):	24.5" x 19.25" x 8" (622.3 x 488.9 x 203.2)	
WEIGHT - LB (KG):	62.7 (28.4)	
COOLING:	Forced convection	
AUDIBLE NOISE:	< 40 dBA	
OPERATING TEMPERATURE - FAHRENHEIT (CELSIUS):	-4 to 122 °F (-20 to 50 °C) <sup>4</sup>	
PROTECTION RATING:	NEMA 3R	

INSTALLATION GUIDELINES			
BATTERY TYPES SUPPORTED:	PWRceII™ Battery		
MODULE STRING SIZE PER PV LINK OPTIMIZER:	Varies, refer to PV Link Installation Manual		
MAXIMUM RECOMMENDED DC POWER FROM PV:	15 kW		

<sup>&</sup>lt;sup>3</sup>3Ø inverters offer islanding for 1Ø loads.

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- POWERHOME



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PROJECT NAME & ADDRESS

LAURIE M VANCE RESIDENCE 939 LARCHLEA DR., BIRMINGHAM, MI 48009

SHEET NAME
EQUIPMENT
SPECIFICATION

SHEET SIZE

ANSI B 11" X 17"

SHEET NUMBER

<sup>&</sup>lt;sup>2</sup>In Island mode X11402 protected loads only supply 2 phases 120 VAC L-N, 208 L-L which results in lower power than in grid tied 3 phase mode. The low value of the range is for full L-L loading while high value of the range is full L-N loading

 $<sup>^4</sup>$ Includes ambient temperature rising from inverter operation. Reduced power at extreme temperatures.

Specifications listed in this document are achieved with firmware version 13310 or greater. Confirm inverter has latest firmware to ensure full performance.

### GENERAC

# **SnapRS**<sup>TM</sup>

Inline Disconnect Switch Model: APKE00011 Certification Model Reference: RS801



Generac SnapRS are a simple way to satisfy rapid shutdown compliance for solar + storage systems. Generac SnapRS are 2017/2020 NEC 690.12 compliant, don't require any extra hardware to mount, and need no pairing or fussy digital communications.

### **FEATURES & BENEFITS**

- · Fast, easy, and simple to install
- One SnapRS device per PV module
- Achieves PVRSS Compliance
- · Low cost, high efficiency solution

### SYSTEM DESIGN

Snap a Generac SnapRS disconnect device (RS) to the negative lead (-) of each module in the solar array for simple module-level rapid shutdown compliance. SnapRS devices isolate array voltage when a rapid shutdown is initiated at a PWRcell™ Inverter. When rapid shutdown is initiated, SnapRS units isolate each PV module in the array, reducing array voltage to <80V in seconds.

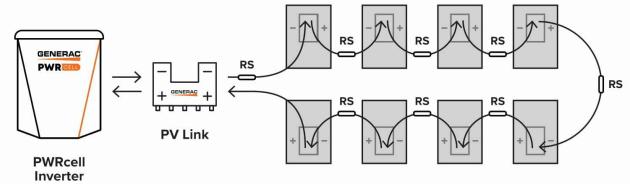


Diagram is applicable for most 60 cell PV modules. Modules with higher cell count may require a different arrangement. Contact Generac for more details.

### **Specifications**

SnapRS™ (APKE00011)	
PV MODULE MAX VOC:	75 V
EFFICIENCY:	99.8%*
MAX INPUT CURRENT:	13 A
SHUTDOWN TIME:	< 10 Seconds
ENCLOSURE RATING:	NEMA 6P
OPERATING TEMPERATURE - FAHRENHEIT (CELSIUS):	-40 to 158 °F (-40 to 70 °C)
CERTIFICATIONS:	UL1741
PROTECTIONS:	PVRSE
WEIGHT - LB (KG):	0.17 (0.08)
DIMENSIONS, L x W x H - IN (MM):	7" × 1" × 1" (177.8 × 25.4 × 25.4)
WARRANTY:	25 Years

<sup>\*</sup>When used with a 50V panel

Connect one SnapRS device to the negative lead of each PV module in the PV Link controlled array for complete PV Rapid shutdown performance



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EQUIPMENT SPECIFICATION

SHEET SIZE

ANSI B 11" X 17"

SHEET NUMBER



2.85kWh PWRcell Battery Module Model #: BJ-DCB05ZKAX (Ordering SKU: A0000391219) PWRcell Battery Configuration Model #s: PWRcell 9, PWRcell 12, PWRcell 15, PWRcell 17 PWRcell Spacer Kit (Ordering SKU: APKE00008) PWRcell Upgrade Kit (Ordering SKU: APKE00009)

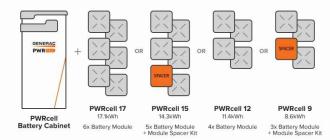
GENERAC

The PWRcell™ Battery Cabinet is a modular smart battery platform that allows for a range of configurations to suit any need, small or large. No other smart battery offers the power and flexibility of PWRcell. Whether for backup power or smart energy management, PWRcell has power and capacity options for every need, without sacrificing flexibility or function.

### PWRcell BATTERY CABINET DESIGN

The PWRcell Battery Cabinet allows system owners the flexibility to scale from the economical 8.6kWh PWRcell 9 to the massive 17.1kWh PWRcell 17 by installing additional battery modules to the PWRcell Battery Cabinet. When needs change, an existing PWRcell Battery Cabinet can be upgraded with additional modules. Use the graphic below and the chart on the back of this sheet to understand what components you need for your chosen PWRcell configuration.

### **BATTERY CONFIGURATION GUIDE**



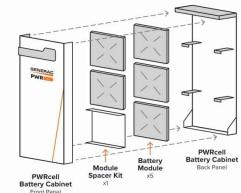




### **FEATURES & BENEFITS**

- Connect 2 PWRcell Battery Cabinets to a single PWRcell Inverter for 34.2kWh of storage
- · Best-in-class battery backup power
- Plug-and-play with PWRcell Inverter and PV Link™
- · Time-of-use (TOU) and zero-export ready
- · Residential and commercial application ready

### BATTERY CABINET ASSEMBLY



### **Specifications**

PWRcell™ BATTERY CONFIGURATIONS	9	12	15	17
BATTERY MODULES:	3	4	5	6
USABLE ENERGY:	8.6kWh	11.4kWh	14.3kWh	17.1kWh
POWER - RATED CONTINUOUS:	3.4kW	4.5kW	5.6kW	6.7kW
POWER - 60 MINUTES:	4.2kW	5.6kW	7.0kW	8.4kW
POWER - 2 MINUTES:	5.0kW	6.7kW	8.4kW	10.0kW
REbus™ VOLTAGE - INPUT/OUTPUT:	360-420 VDC			
MODULE VOLTAGE:		46.8	VDC	
ROUND-TRIP EFFICIENCY:		96.	50%	
OPERATING TEMPERATURE - FAHRENHEIT (CELSIUS):	41 to 113 °F (5 to 45 °C)			
RECOMMENDED AMBIENT TEMPERATURE - FAHRENHEIT (CELSIUS):	55 to 86 °F (13 to 30 °C)			
MAXIMUM INSTALLATION ALTITUDE - FT (M):	9834 (3000)			
DIMENSIONS, L x W x H - IN (MM):	22" x 10" x 68" (559 x 254 x 1727)			
WEIGHT, ENCLOSURE - LB (KG):	115 (52)			
WEIGHT, INSTALLED - LB (KG):	280 (127)	335 (152)	390 (178)	445 (202)
WARRANTY - LI-ION MODULES:	10 Years, (7.56MWh)			
WARRANTY - ELECTRONICS AND ENCLOSURE:	10 Years			
COMMUNICATION PROTOCOL:	REbus™ DC Nanogrid™			
COMPLIANCE:	UL 9540, UL 1973, UL 1642, CSA 22.2			

### **UPGRADING PWRcell**

Inside of the PWRcell Battery Cabinet, battery modules are stacked two deep on three levels, allowing for up to six modules to be connected in series. You can upgrade an existing PWRcell Battery Cabinet by adding Battery Modules and a Module Spacer (APKE00008) if required. PWRcell 9 and PWRcell 15 require a module spacer.

Generac offers a convenient PWRcell Battery Upgrade Kit (APKE00009) to help replace lost or misplaced hardware. A PWRcell Battery Upgrade Kit may be purchased from your Generac distributor.

Refer to the table to the right for material requirements related to upgrading the PWRcell Battery Cabinet.

### **UPGRADE MATERIAL REQUIREMENTS**

### **ENDING CONFIGURATION**

		· · · · · · · · · · · · · · · · · · ·		1
ATION		PWRcell 17	PWRcell 15	PWRcell 12
CONFIGURATION	PWRcell 9	+ 3 x PWRCell Mod + 2 x APKE00009*	+ 2 x PWRCell Mod + 1 x APKE00009*	+ 1 x PWRCell Mod + 1 x APKE00009*
ING CO	PWRcell 12	+ 2 x PWRCell Mod + 1 x APKE00009*	+ 1 x PWRCell Mod + 1 x APKE00008	
STARTING	PWRcell 15	+ 1 x PWRCell Mod + 1 x APKE00009*		

\*APKE00009 (Upgrade kit) only required if original hardware is unavailable

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PROJECT NAME & ADDRESS

939 LARCHLEA DR., BIRMINGHAM, MI 48009 URIE M VANCE RESIDENCE LAURIE

**EQUIPMENT SPECIFICATION** 

SHEET SIZE

ANSI B 11" X 17"

SHEET NUMBER



### **FEATURES & BENEFITS**

- · Fast, simple installation
- Lower failure risk than module-level optimizers
- 2017/2020 NEC rapid shutdown compliant with SnapRS™

PV Link to overcome shading and challenging roof lines.

- Quick connections with MC4 connectors
- Exports up to 2500W
- Compatible with PWRcell<sup>™</sup> Inverters
- · Cost-effective solution for high-performance PV
- Ground-fault protection

### SINGLE-STRING PV ARRAY WITH SnapRS DEVICES

Where PV module-level rapid shutdown is required (NEC 690.12), a SnapRS device (RS) is installed to negative (-) lead of each PV module.

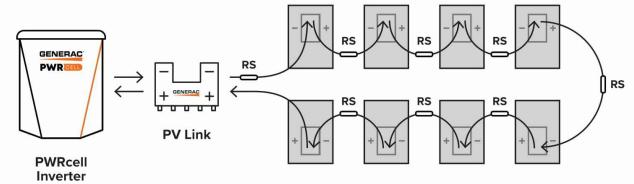


Diagram is applicable for most 60 cell PV modules. Modules with higher cell count may require a different arrangement. Contact Generac for more details.

### Specifications «

PV Link™ (APKE00010)	
RATED POWER*:	2500W
PEAK EFFICIENCY:	99%
MPPT VOLTAGE RANGE:	60-360 VMP
MAX INPUT VOLTAGE:	420 VOC; max when cold
MAX OUTPUT:	420 VOC
NOMINAL OUTPUT (REbus™):	380 VDC
MAX OUTPUT CURRENT (CONTINUOUS):	8 A
MAX OUTPUT CURRENT (FAULT):	10 A
MAX INPUT CURRENT (CONTINUOUS):	13 A @ 50°C, 10 A @ 70°C
MAX INPUT SHORT CIRCUIT CURRENT (ISC):	18 A
TANDBY POWER:	< 1 W
ROTECTIONS:	Ground-fault, Arc-fault (Arc-fault Type 1 AFCI, Integrated), PVRSE
MAX OPERATING TEMP: FAHRENHEIT (CELSIUS)	158 °F (70 °C)
SYSTEM MONITORING:	PWRview™ Web Portal and Mobile App
ENCLOSURE:	Type 3R
VEIGHT - LB (KG):	7.3 lb (3.3 kg)
DIMENSIONS, L x W x H - IN (MM):	15.4" x 2" x 9.6" (391.2 x 50.8 x 243.8)
COMPLIANCE:	UL 1741, CSA 22.2
WARRANTY:	25 Years

\*PV Link can tolerate higher than rated power at its input if Max Input Voltage and Short Circuit Current specifications are not exceeded



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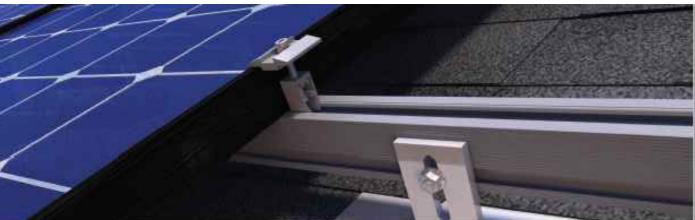
SHEET NAME
EQUIPMENT
SPECIFICATION

SHEET SIZE

ANSI B 11" X 17"

SHEET NUMBER





### QRail™ - Fully Integrated Mounting and Racking System

The QRail Series is a strong and versatile solar array mounting system that provides unrivaled benefits to solar designers and installers. Combined with Quick Mount PV's industry-leading waterproof mounts, QRail offers a

complete racking solution for mounting solar modules on any roof.



Easily design array configurations with the QD esign software application. Generate complete engineering reports and calculate a precise bill of materials for all the mounting, racking and accessories needed for a complete solar array.

### Comprehensive, One-Source Solution

QRail, together with Quick Mount PV's waterproof mounting products, provides the benefit of a single-sourced, seamlessly integrated rooftop installation that works with all roof types — composition/asphalt shingles, flat or curved tile, metal shingle, shake, slate and low slope roofs. The QRail system also works with any roof attachment system for maximum flexibility.

### Superior Strength and Versatility

QRail is engineered for optimal structural performance. The system is certified to UL 2703, fully code compliant and backed by a 25-year warranty. QRail is available in Light, Standard and Heavy versions to match all geographic locations. QRail is compatible with virtually all modules and works on a wide range of pitched roof surfaces. Modules can be mounted in portrait or landscape orientation in standard or shared-rail configurations.

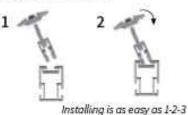


QRails come in two lengths — 168 inches (14 ft) and 208 inches (17.3 ft) Mill and Black Finish

### Fast, Simple Installation: It Just Clicks

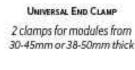
### **QClick Technology™**

The universal mid and end clamps use QClick technology to simply "click" into the rail channel and remain upright, ready to accept the module. The pre-assembled clamps fit virtually all module frames and require no extra hardware, eliminating pre-loading and reducing installation time.











UNIVERSAL BONDED MI

2 clamps for modules from 30-45mm or 38-50mm thick

### **QSplice** Technology

QRail's innovative internal QSplice installs in seconds, requiring no tools or screws. Simply insert QSplice into the rail and slide the other rail on to create a fully structural, bonded splice. An external splice is also available.







Installs in seconds - no tools or hardware required

### Fully Integrated Electrical Bonding

The QRail system provides an integrated electrical bonding path, ensuring that all exposed metal parts and the solar module frames are electrically connected. All electrical bonds are created when the components are installed and tightened down.

# POWERHOME

"POWER HOME:
"POWER YOUF
919 N. MA
MOORESVILLE
Phone: 704-800-6
Fmail: info@now

-			
REVISIONS			
DESCRIPTION DATE RE			

Signature with Seal

DATE: 1/25/2021

PROJECT NAME & ADDRESS

LAURIE M VANCE RESIDENCE 939 LARCHLEA DR., BIRMINGHAM, MI 48009

EQUIPMENT SPECIFICATION

SHEET SIZE

ANSI B 11" X 17"

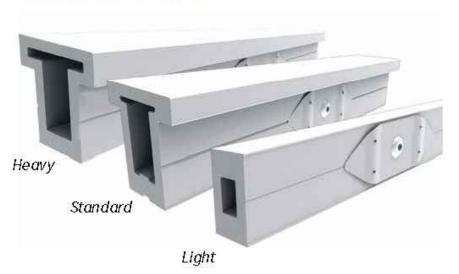
SHEET NUMBER

### **QRail™** Configurations



Item Code	Part Number	Description	Finish
QMR-RL14A60	800	QRail Light, 14 ft, 60 Pack	Mill
QMR-RL17.3 A 60	801	QRail Light, 17.3 ft, 60 Pack	Mill
QMR-RL14B60	805	QRail Light, 14 ft., 60 Pack	Black
QMR-RL17.3 B 60	806	QRail Light, 17.3 ft, 60 Pack	Black
QMR-RS14 A 60	810	QRail Standard, 14ft., 60 Pack	Mill
QMR-RS17.3 A 60	811	QRail Standard, 17.3 ft, 60 Pack	Mill
QMR-RS14 B 60	815	QRail Standard, 14ft., 60 Pack	Black
QMR-RS17,3 B 60	816	QRail Standard, 17.3 ft, 60 Pack	Black
QMR-RH14A60	820	QRail Heavy, 14ft., 60 Pack	Mill
QMR-RH17.3 A 60	821	QRail Heavy, 17.3 ft, 60 Pack	Mill
QMR-RH14B60	825	QRail Heavy, 14ft, 60 Pack	Black
OMR-RH17.3 B 60	826	QRail Heavy, 17.3 ft, 60 Pack	Black

## OSplice™ Internal Structural Splice



Item Code	Part Number	Description	Finish
QMR-ISL A 15	830	QSplice Internal, Light, 15 Pack	Mill
QMR-ISS A 15	831	QSplice Internal, Standard, 15 Pack	Mill
QMR-ISH A 15	832	QSplice Internal, Heavy, 15 Pack	Mill



Item Code	Part Number	Description	Finish
QMR-ESS A 15	834	QSplice External, Standard, 15 Pack	Mill
QMR-ESH A 15	835	QSplice External, Heavy, 15 Pack	Mill

- POWERHOME

REVISIONS		
DESCRIPTION	DATE	REV

DATE: 1/25/2021

PROJECT NAME & ADDRESS

LAURIE M VANCE RESIDENCE 939 LARCHLEA DR., BIRMINGHAM, MI 48009

SHEET NAME **EQUIPMENT** SPECIFICATION

SHEET SIZE

ANSI B 11" X 17"

SHEET NUMBER

**PV-11A** 

## Universal End Clamp with QClick™ Technology



Item Code	Part Number	Description	Finish
QMR-UEC3045 A 2 0	860	Universal End Clamp, 30-45mm, 20 Pack	Mill
QMR-UEC3850A20	861	Universal End Clamp, 38-50mm, 20 Pack	Mill
QMR-UEC3045 B 20	865	Universal End Clamp, 30-45mm, 20 Pack	Black
QMR-UEC3850B20	866	Universal End Clamp, 38-50mm, 20 Pack	Black
QMR-UEC3045BP A20	862	Universal End Clamp, 30-45mm, w/ Bonding, 20 Pack	Mill
QMR-UEC3850BP A 20	863	Universal End Clamp, 38-50mm, w/ Bonding, 20 Pack	Mill
QMR-UEC3045BP B 20	867	Universal End Clamp, 30-45mm, w/ Bonding, 20 Pack	Black
QMR-UEC3850BP B 20	868	Universal End Clamp, 38-50mm, w/ Bonding, 20 Pack	Black

# Mid Clamp with QClick™ Technology



Item Code	Part Number	Description	Finish
QMR-UMC3045BP 1.2 A 20	872	Universal Mid Clamp, 30-45mm, w/ Bonding, 20 Pack	Mill
QMR-UMC3850BP 1.2 A 2 0	873	Universal Mid Clamp,38-50mm,w/ Bonding,20 Pack	Mill
QMR-UMC3045BP 1.2 B 20	877	Universal Mid Clamp, 30-45mm, w/ Bonding, 20 Pack	Black
QMR-UMC3850BP 1.2 B 20	878	Universal Mid Clamp, 38-50mm, w/ Bonding, 20 Pack	Black

# Single-Slot L-Foot



Item Code	Part Number	Description	Finish
QMC-LF A12	692	Single-slot L-foot, 12 Pack	Mill
QMC-LF B 12	693	Single-slot L-foot, 12 Pack	Black



Item Code	Part Number	Description	Finish
QMR-CPL B 50	885	End Cap Light, 50 Pack	Black
QMR-CPS B 50	886	End Cap Standard, 50 Pack	Black
QMR-CPH B 50	887	End Cap Heavy, 50 Pack	Black

- POWERHOME

REVISIONS						
DESCRIPTION	DATE	REV				

Signature with Seal

DATE: 1/25/2021

PROJECT NAME & ADDRESS

LAURIE M VANCE RESIDENCE 939 LARCHLEA DR., BIRMINGHAM, MI 48009

**EQUIPMENT SPECIFICATION** 

ANSI B 11" X 17"

(925) 478-8269 4

SHEET NUMBER

**PV-11B** 

### T-Bolt



Item Code	Part Number	Description	Finish
QMR-TBA300	880	T-Boltw/ Nut, 300 Pack	stainless steel

## Wire Clip



### Works with both PV and Trunk Cabling

Item Code	Part Number	Description	Finish
QMR-WCA 300	892	Trunk/PV Cable, 300 Pack	stainless steel

# **Grounding Lug**



Item Code	Part Number	Description	Finish
QMR-GL A50	890	WEEB Lug w/ T-Bolt, 50 Pack	n/a

### WEEB BMC



Item Code	Part Number	Description	Finish
QMR-ECWA 50	891	WEEB BMC, 50 Pack	stainless steel

- POWERHOME

REVISIONS					
DESCRIPTION	DATE	REV			

DATE: 1/25/2021

PROJECT NAME & ADDRESS

LAURIE M VANCE RESIDENCE 939 LARCHLEA DR., BIRMINGHAM, MI 48009

SHEET NAME **EQUIPMENT** SPECIFICATION

SHEET SIZE

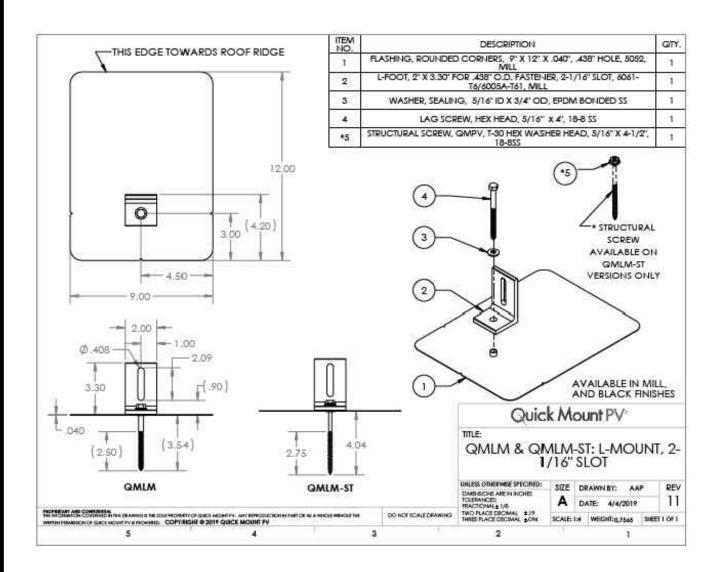
ANSI B 11" X 17"

SHEET NUMBER PV-11C

(925) 478-8269 6

# L-Mount | QMLM / QMLM-ST

Elevated Water Seal Technology®

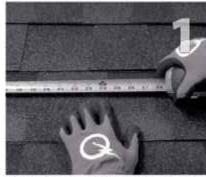




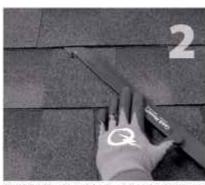
### L-Mount Installation Instructions

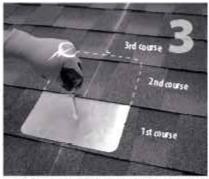
Installation Tools Required: tape measure, roofing bar, chalk line, stud finder, caulking gun, sealant compatible with roofing materials, drill with 7/32" or 1/8" bit, drill or impact gun with 1/2" socket.

WARNING: Quick Mount PV products are NOT designed for and should NOT be used to anchor fall protection equipment.



Locate, choose, and mark centers of rafters to be Carefully lift composition roof shingle with roofing Insert flashing between 1st and 2nd course, Slide mounted. Select the courses of shingles where mounts will be placed.





bar, just above placement of mount. Remove up so top edge of flashing is at least 34\* higher nails as required and backfill holes with aproved than the butt-edge of the 3rd course and lower sealant. See "Proper Flashing Placement" on next flashing edge is above the butt-edge of 1st course. Mark center for drilling.



%" bit (ST) for attaching with the structural screw. compatible with roofing materials. Drill pilot hole into roof and rafter, taking care to drill square to the roof. Do not use mount as a drill guide. Drill a 2" deep hole into rafter.



If attaching with lag bolt use a 1/32 bit (Lag). Use a Clean off any sawdust, and fill hole with sealant Place L-foot onto elevated flute and rotate L-foot to



desired orientation.



Prepare lag bolt or structural screw with sealing You are now ready for the rack of your choice. can no longer easily rotate. DO NOT over-torque. NOTE: Structural screw can be driven with T-30 hex

BI 7.2.3-44



washer. Using a 1/4-inch socket on an impact gun, Follow all the directions of the rack manufacturer drive prepared lag bolt through L-foot until L-foot as well as the module manufacturer. NOTE: Make sure top of L-Foot makes solid contact with racking

All roofing manufacturers' written instructions must also be followed by anyone modifying a roof system. Consult the roof manufacturer's specs and instructions prior to working on the roof.

Apr-2019 Rev 6

# **POWERHOME**

REVISIONS						
DESCRIPTION	DATE	REV				

Signature with Seal

DATE: 1/25/2021

PROJECT NAME & ADDRESS

939 LARCHLEA DR., BIRMINGHAM, MI 48009 LAURIE M VANCE RESIDENCE

SHEET NAME **EQUIPMENT SPECIFICATION** 

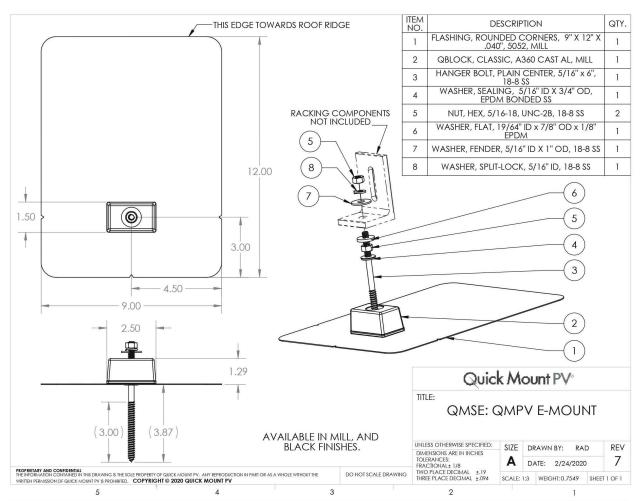
SHEET SIZE

**ANSIB** 11" X 17"

SHEET NUMBER

### E-Mount | QMSE

Elevated Water Seal Technology®



Lag pull-out (withdrawal) capacities (lbs) in typical lumber:							
	Lag Bolt Specific	Lag Bolt Specifications					
	Specific Gravity	Specific Gravity 5/16" shaft per 3" thread depth 5/16" shaft per 1" thread depth					
Douglas Fir, Larch	.50	798	266				
Douglas Fir, South	.46	705	235				
Engelmann Spruce, Lodgepole Pine (MSR 1650 f & higher)	.46	705	235				
Hem, Fir	.43	636	212				
Hem, Fir (North)	.46	705	235				
Southern Pine	.55	921	307				
Spruce, Pine, Fir	.42	615	205				
Spruce, Pine, Fir (E of 2 million psi and higher grades of MSR and MEL)	.50	798	266				

Sources: American Wood Council, NDS 2005, Table 11.2 A, 11.3.2 A

BI 7.2.3-26

1) Thread must be embedded in a rafter or other structural roof member.

2) See NDS Table 11.5.1C for required edge distances.



Feb-2020 Rev 9

### E-Mount Installation Instructions

Installation Tools Required: tape measure, roofing bar, chalk line, stud finder, caulking gun, sealant compatible with roofing materials, drill with 7/32" long-style bit, drill or impact gun with 1/2" deep socket.

**WARNING:** Quick Mount PV products are NOT designed for and should NOT be used to anchor fall protection equipment.



Locate, choose, and mark centers of rafters to be mounted. Select the courses of shingles where mounts will be placed.



Carefully lift composition roof shingle with roofing Insert flashing between 1st and 2nd course. Slide bar, just above placement of mount. Remove nails as required. See "Proper Flashing Placement" on



up so top edge of flashing is at least 3/4" higher than the butt-edge of the 3rd course and lower flashing edge is above the butt-edge of 1st course. Mark center for drilling.



Using drill with 7/32" bit, drill pilot hole into roof and rafter, taking care to drill square to the roof. Do not use mount as a drill guide. Drill should be 'long style bit', aka 'aircraft extension bit' to drill a 3" deep hole into rafter.



Clean off any sawdust, and fill hole with sealant compatible with roofing materials.



Slide flashing into position. Prepare hanger bolt with hex nut and sealing washer. Insert into hole and drive hanger bolt until QBlock stops rotating easily. Do NOT over torque.



block.



Insert EPDM rubber washer over hanger bolt into Using the rack kit hardware, secure the racking (L-foot) to the mount using torque specs from racking manufacturer. If racking manufacturer does not specify torque setting, tighten to 13 ft.-lbs.

You are now ready for the rack of your choice. Follow all the directions of the rack manufacturer as well as the module manufacturer.

All roofing manufacturers' written instructions must also be followed by anyone modifying a roof system. Consult the roof manufacturer's specs and instructions prior to touching

BI 7.2.3-26 Feb-2020 Rev 9 **POWERHOME** 

REVISIONS					
DESCRIPTION	DATE	REV			

Signature with Seal

DATE: 1/25/2021

PROJECT NAME & ADDRESS

939 LARCHLEA DR., BIRMINGHAM, MI 48009 LAURIE M VANCE RESIDENCE

**EQUIPMENT SPECIFICATION** 

SHEET SIZE

**ANSIB** 11" X 17"

SHEET NUMBER

**PV-12A** 

### PROJECT DESCRIPTION:

21x340 Q.PEAK DUO BLK-G6+ 340W (340W) MODULES ROOF MOUNTED SOLAR PHOTOVOLTAIC MODULES SYSTEM SIZE: 7,14 kW DC STC SYSTEM SIZE: 6.09 kW AC

#### EQUIPMENT SUMMARY

Q PEAK DUO BLK-G6+ 340W (340W) MODULES ENPHASE IQ7PLUS-72-2-US MICRO INVERTERS

DESIGN CF	RITERIA
WIND SPEED	115
EXPOSURE CATEGORY	В
RISK CATEGORY	11
MOUNTING METHOD	ROOF MOUNT
GROUND SNOW LOAD	25

#### CODE COMPLIANCE

ALL WORK SHALL COMPLY WITH ALL STATE AND LOCAL CODES, ORDINANCES AND ANY OTHER REGULATING AUTHORITIES WHICH HAVE AUTHORITY OVER ANY PORTION OF THE WORK

BUILDING CODE: ALL WORK SHALL COMPLY WITH THE 2015 MI BUILDING CODE 2015 MI RESIDENTIAL CODE 2015 MI FIRE CODE TITLE 24 SUPPLEMENT 2015 MI ELECTRICAL CODE

#### ELECTRICAL CODE:

ALL ELECTRICAL WORK SHALL COMPLY WITH THE 2017 NATIONAL ELECTRIC CODE AS AMENDED BY THE MIGIHIAN ELECTRIC CODE.

#### **GENERAL INSTALLATION NOTES**

- INSTALLER SHALL ASSUME FULL RESPONSIBILITY AND LIABILITY FOR COMPLIANCE WITH REGULATIONS PER FEDERAL OSHA AND LOCAL REGULATIONS PERTAINING TO WORK PRACTICES, PROTECTION OF WORKERS AND VISITORS TO THE SITE.
- INSTALLER SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS AT SITE BEFORE COMMENCING WORK.
- CONTRACTOR SHALL FURNISH ALL MATERIAL EXCEPT AS SPECIFIED 3. IN THE CONTRACT AND/OR THESE DRAWINGS.
- ALL MATERIALS SHALL BE IN NEW AND UNUSED CONDITION.
- MANUFACTURER'S MATERIAL EQUIPMENT, ETC, SHALL BE INSTALLED PER MANUFACTURER'S RECOMMENDATIONS AND INSTRUCTIONS.
- THE INSTALLER SHALL BECOME FAMILIAR WITH ALL UTILITY AS-BUILT PLANS AND THE LOCATIONS OF ALL EXISTING UTILITIES. STRUCTURES, PAVEMENT OR IMPROVEMENTS.
- CONTRACTOR SHALL VERIFY EXISTING CONDITIONS AND NOTIFY THE OWNER OF DISCREPANCIES REQUIRING FURTHER CLARI FICATION BEFORE PROCEEDING WITH THE WORKS.
- INSTALL ALL ASPECTS OF THIS PROJECT IN ACCORDANCE WITH THE SPECIFICATIONS AND AS NOTED ON DRAWINGS ISSUED FOR CONSTRUCTION.
- CONDUCTORS EXPOSED TO SUNLIGHT SHALL BE LISTED AS SUNLIGHT RESISTANT PER 310.0(D)
- WORKING CLEARANCES AROUND THE EXISTING AND NEW ELECTRICAL EQUIPMENT WILL BE MAINTAINED IN ACCORDANCE WITH NEC 110.26
- 11. EXACT CONDUIT RUN LOCATIONS SUBJECT TO CHANGE
- 12 ROOF PENETRATIONS ARE SEALED.
- 13 INVERTER IS LISTED TO UL-1741 "UTILITY INTERACTIVE"
- VISIBLE, LABELED, LOCKABLE DISCONNECT LOCATED LESS THAN 10' FROM UTILITY METER

COVER SHEET

PV-1 PLOT PLAN WITH ROOF PLAN PV-2 ROOF PLAN WITH MODULES

PV-2A STRING LAYOUT PV-3 ATTACHMENT DETAIL

PV-4 ELECTRICAL LINE DIAGRAM

PV-5 PLACARDS

PV-6+ EQUIPMENT SPECIFICATIONS



**HOUSE PHOTO** 

PV-0 SCALE: NTS



VICINITY MAP PV-0

SCALE: NTS

South Old US Highway 115 Brighton, MI 48114

REVISIONS

CUSTOMER INFORMATION

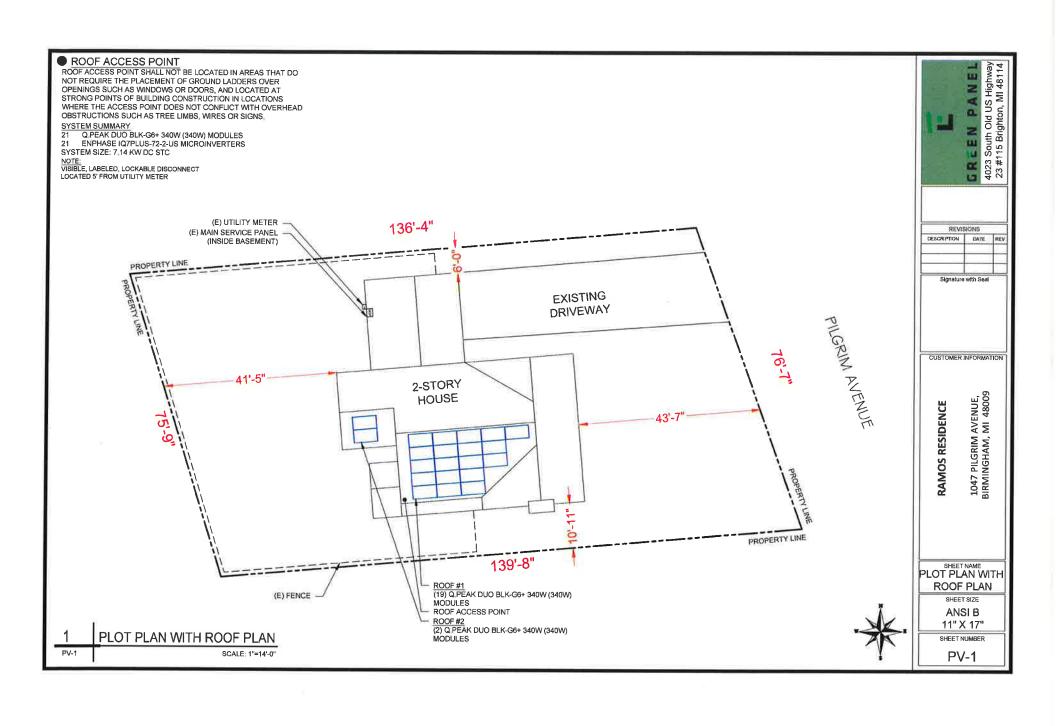
AVENUE, MI 48009 RAMOS RESIDENCE 1047 PILGRIM / BIRMINGHAM, I

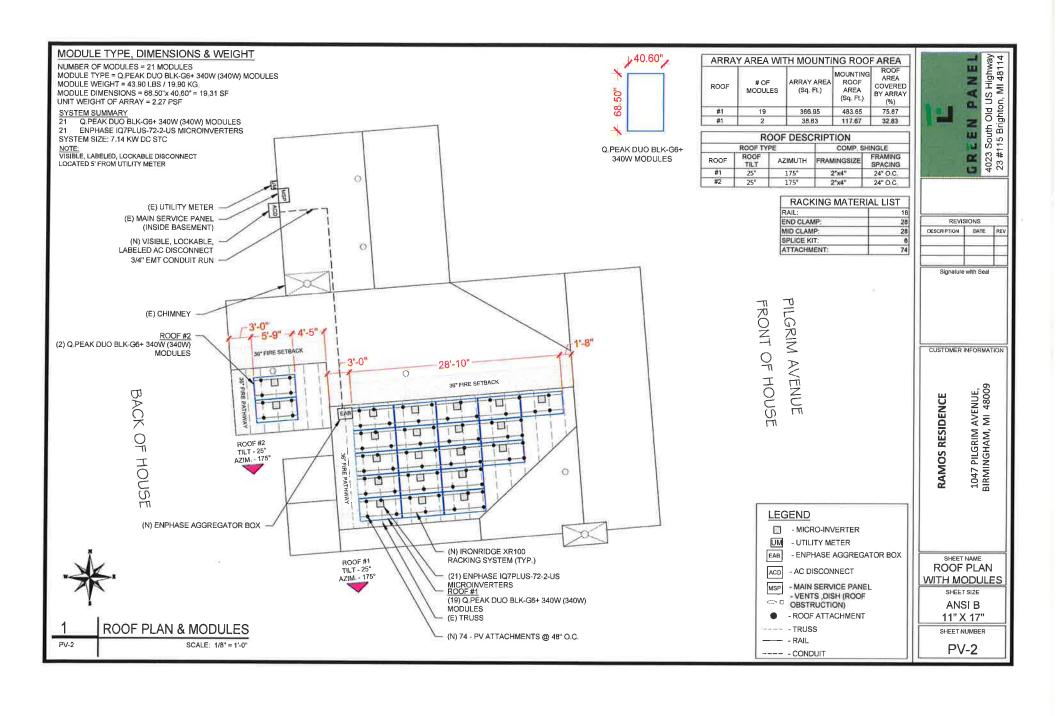
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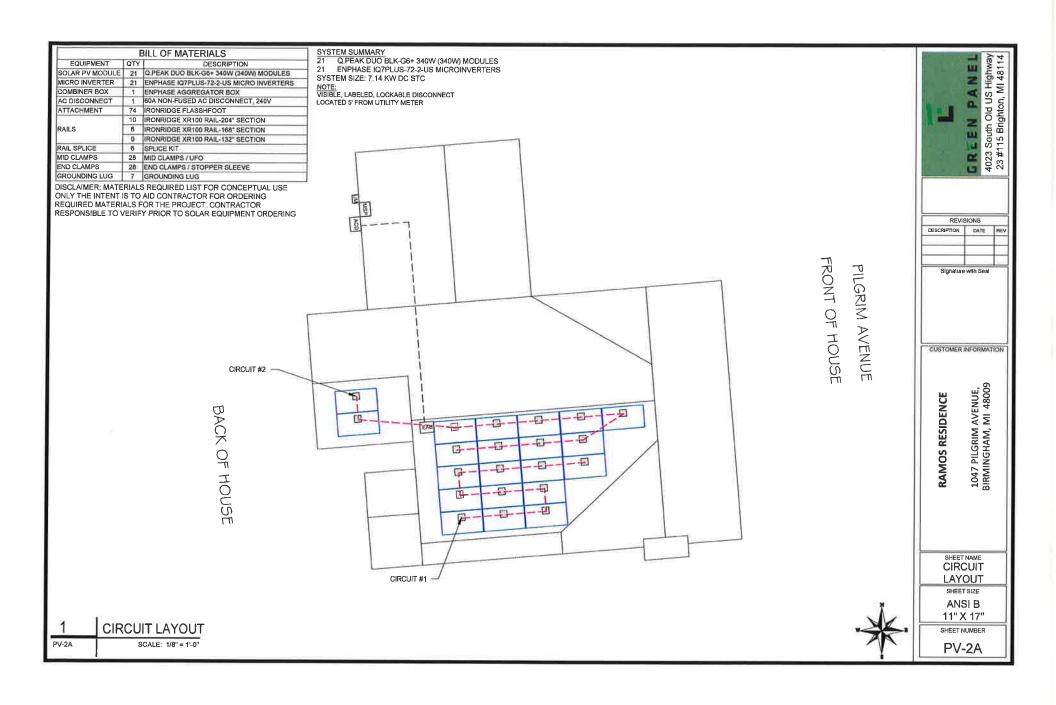
COVER SHEET

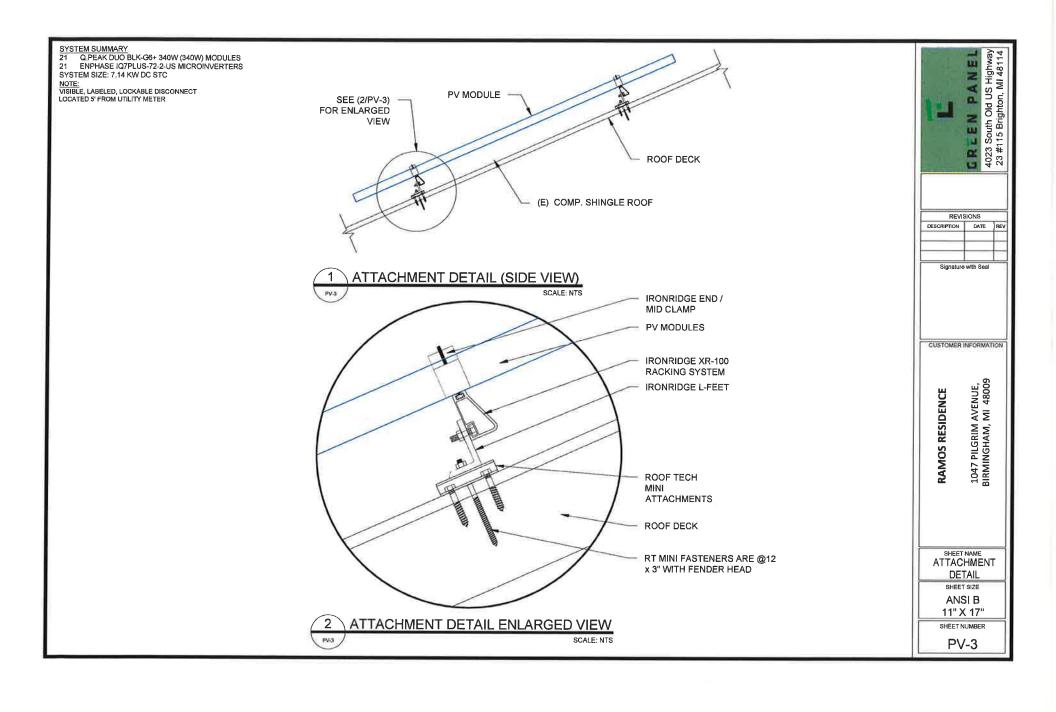
SHEET SIZE ANSI B

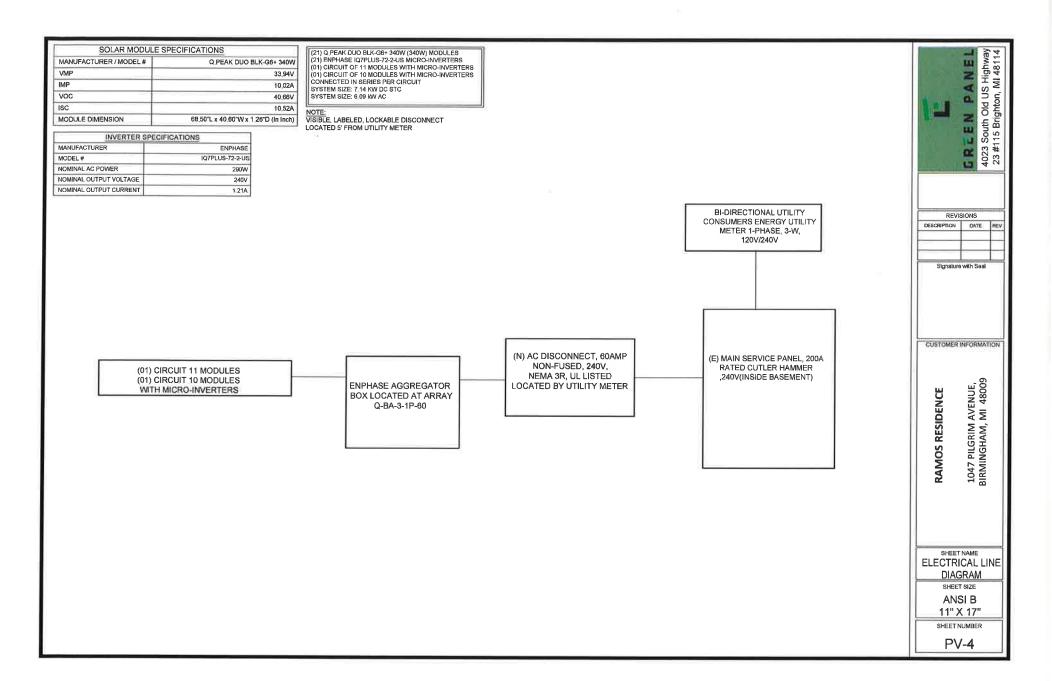
11" X 17" SHEET NUMBER

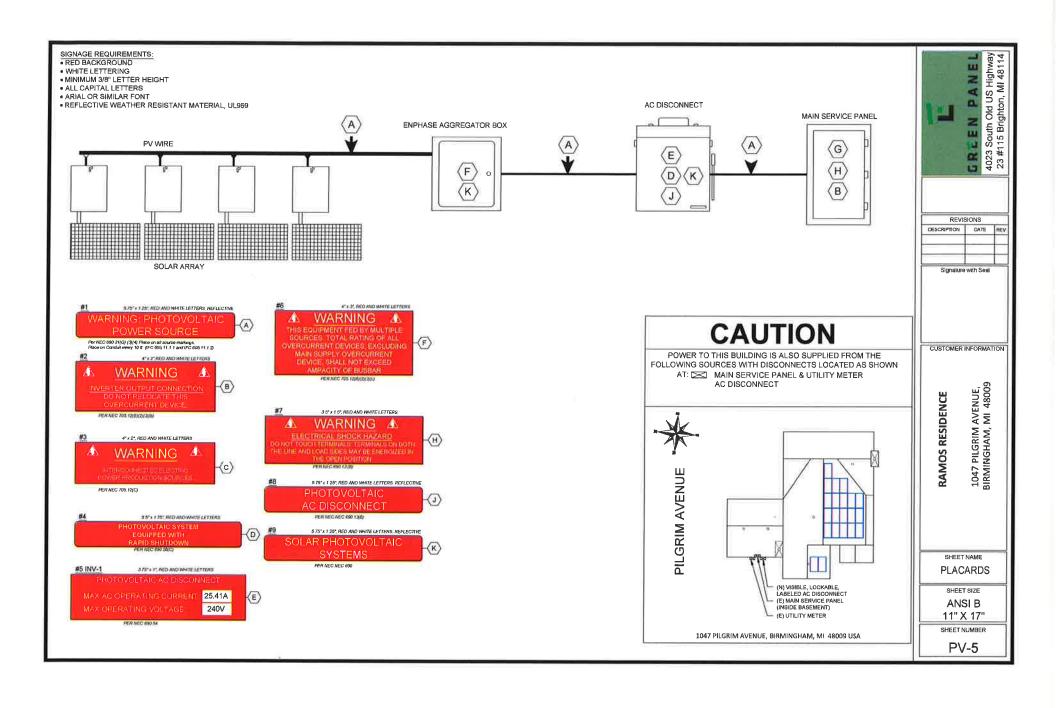














MECHANICAL SPECIFICATION





ELECTRICAL CHARACTERISTICS

PO	WERCLASS			330	335	340	345
n Tri	SAME IN TOTAL PROPERTY OF STREET	PA TEST CONDITIO	W. SHOUST	TRECKIPATION (SW)	1000		
	F HI ST MPP	Fair	11/0	300	185	340	345
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ş.	Rown Child William	You	tvi	4335	40.41	40.66	40 92
Į	Constitution (AMP)	ter	14	9.85	our	30/02	30.07 34.2%
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	diffqlaney		N	a184	+18.3	1000	atus
VII	VINUS PERIORSHIP IN NERVO	SHIPMING COM	OFFICIALS, NEWCO				
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ķ	Shirt Committee	Sp.	265	3.10	643	8.48	842 38.89
- 6	Orien C., un Voltage	Ma	(1/2)	0336	3610	36.34	38.89
ģ.	Europe VSP	to.	H	340	284	785	791
	York days at 1999	Visit	101	31.08	52.97	22.27	22.57

O CELLS PERFORMANCE WARRANTY

PERPORMANCE AT LOW IRRADIANCE

The inemployees Park 11 V - r98 stylf, 1540 dam 25 4270, Att 15 according to IEC 80304 3 4800 years 10 7 according to 15 accor

TEMPERATURE COEFFICIENTS

PROPERTIES FOR SYSTEM DESIGN

CITAPEZ Permitted Marfulle Tumper and an Continuous Duty

QUALIFICATIONS AND CERTIFICATES

PACKAGING INFORMATION

19thm 18thm 12thm 60 kg 25 perm Alberta Director

1815mm 115umm 1220mm 693kg 28 patiets 24 patiets 32 montains

Hammin OCELL 8 ORDH Screen Bros 17 (L.) ስቴ ሃላይ 8 (ኤ.) ቀሪ Valski, ታመጠመስ ተሟ. –40 መስታወቀ 20 ባወነ 2044 | PAR –40 መስታወቀ 86 ባይ (2001) amali, ተገዛዛኞች ታወነ የ continues new ሊታታል መጠ

Engineered In Germany





CUSTOMER INFORMATION

RAMOS RESIDENCE

1047 PILGRIM AVENUE, BIRMINGHAM, MI 48009

SHEET NAME **EQUIPMENT SPECIFICATION** 

SHEET SIZE ANSI B

11" X 17" SHEET NUMBER

PV-6

Engineered in Germany

**QCELLS** 

Enphase Microinverters

### **Enphase** IQ 7, IQ 7+, and IQ 7X Microinverters

with EN4 bulkhead

The high-powered smart grid-ready Enphase IQ 7 Series Microinverters" with Enphase EN4 bulkhead dramatically simplify the installation process while achieving the highest system efficiency.

Part of the Enphase IQ System, the IQ 7, IQ 74, and IQ 7X Microinverters integrate with the Enphase IQ Envoy", Enphase IQ Battery", and the Enphase Enlighten' monitoring and analysis software.

IQ Series Microinverters extend the reliability standards set forth by previous generations and undergo over a million hours of power-on testing, enabling Enphase to provide an industry-leading warranty of up to 25 years.



#### Easy to Install

- · Lightweight and simple
- · Faster installation with improved, lighter two wire cabling
- · Built-in rapid shutdown compliant (NEC 2014, 2017, & 2020)
- Integrated Emphase EN4 bulkhead allows for direct connection to PV modules with TE PV4S SQLARLQK connectors or other intermatable connectors\*

#### Productive and Reliable

- · Optimized for high-powered 60-cell, ?2-cell², and 96-cell² modules
- More than a million hours of testing
- · Class II double-insulated enclosure
- · UL listed

#### Smart Grid Ready

- Complies with advanced grid support, voltage and frequency ride-through requirements
- · Remotely updates to respond to changing grid requirements
- Configurable for varying grid profiles
- Meets CA Rule 21 (UL 1741-SA)
- 1 Emphase adopters are available for use with other connectors. Consult Emphase for more information.
- 2. The IQ 7r Microinverter is required to support 72 cell modules
- 3. The IQ 7X Microinverter is required to support 96 cell modules.



Enphase IQ 7 and IQ 7+ Microinverters with EN4 bulkhead

INPUT DATA (DC)	107-60-E-US		107PLUS-72-E		IQ7X-96-E-US	
Commonly used module pairings*	235 W - 350 W +		235 W~440 W		320 W - 460 W	
Module compatibility	60-cell PV modules only		60 cell and 72 cell PV modules		96 cell PV modules	
Maximum input DC voltage	46 V		60 V		79,5 V	
Peak power tracking voltage	27 V=37 V		27 V 45 V		53 V = 64 V	
Operating range	16 V - 48 V		16 V - 60 V		25 V - 79 5 V	
Min/Max start voltage	22 V / 48 V		22 V / 60 V		33 V / 79.5 V	
Max DC short circuit current (module Isc)	15 A		15 A		10 A	
Overvoltage class DC port	II		II		Н	
DC part backfeed current	A 0		0 A		D A	
PV array configuration			tional DC side pro : 204 per branch c			
OUTPUT DATA (AC)	IQ 7 Microinv	erler	IQ 7+ Microlny	erter	IQ 7X Microin	/erler
Peak output power	250 VA		295 VA		320 VA	
Maximum continuous output power	240 VA		290 VA		315 VA	
Norminal (t-t.) voltage/range*	240 V / 211-264 V	208 V / 183-229 V	240 V / 211-264 V	208 V / 183-229 V	240 V / 211-264 V	208 V / 183-229 V
Maximum continuous output current	10 A (240 V)	1.15 A (206 V)	L21 A (240 V)	1.39 A (208 V)	1.31 A (240 V)	1.51 A (208 V
Nominal frequency	60 Hz		60 Hz		60 H7	
Extended frequency lange	47 68 Hz		47 = 68 Hz		47-68 Hz	
AC short circuit fault current over 3 cycles	5.8 Arms		5 B Anns		5.8 Arms	
Maximum units per 20 A (L-L) branch circuit*	16 (240 VAC)	13 (208 VAC)	13 (240 VAC)	11 (208 VAC)	12 (240 VAC)	10 (208 VAC)
Overvoltage class AC port	116	()	III	(400)	III	
AC port backfeed current	19mA		19mA		18 mA	
Power factor setting	1.0		1.0		1.0	
Power factor (adjustable)		0 85 lagging	0 85 feading	0.85 Jacquino		0 85 lagging
EFFICIENCY	@240 V	@208 V	@240 V	@208 V	@240 V	@208 V
Peak efficiency	97.6%	976%	97.5 %	97.3%	97.5%	973%
CEC weighted efficiency	970%	97.0 %	97.0 %	97.0%	97.5%	97.0%
MECHANICAL DATA						
Ambient tempurature range	-40°C to +65°C	(-40°F to +140°F)	-40°C to +65°C (	-40°E to 1149°E)	-40°C to +60°C	(-40°F to +140°
Relative humidity range	4% to 100% (cc		., .,,			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Connector type	Enghase EN4 L					
Adapters? (optional)	1 ECA-EN4-S2 2 ECA-EN4-S2	2: DC adapter, EN 2:L: DC adapter, E	4 to Multi-Contac N4 to Multi Conta u unlenninated cat	oct MC4 type, 60	0 mm (23.6in)	DC connector ty
Dimensions (HxWxD)		mm x 30.2 mm (w				,,
Weight	1 08 kg (2 38 lb					
Gooling	Natural convec					
Approved for wel locations	Yes					
Pollution degree	PD3					
Enclosure		insulated correc	ion realstant polyr	morre anelagura		
			ion resistant pory	nenc enclosure		
Environmental category / \IV exposure rating FEATURES	NEMA Type 6 /	DOMEST.				
Communication	Daniel Walle					
		mmunication (PL)				
Monitoring	Both options re	equire installation	nten monitoring of of an Enphase IQ	Envoy		
Disconnecting means	disconnect me	ans required by N	been evaluated or GC 690 and C22 1-	no approved by U 2018 Rule 64-22	L for use as the l C	oad-break
Compliance	CAN/CSA-C22 This product is 2017, and NEC	1741/JEEÉ 1542, FO 2 NO: 1071-01 Ut, Listed as PV F 2020 section 690	CC Part 15 Class R Rapid Shut Down 6 12 and C22 1-2010 talled according n	quipment and co Rule 64/218 Ra	onforms with NEC pid Shirldown of	C 2014, NEC PV Systems, fo

- 4. No enforced DG/AC ratic. See the compatibility calculator at Intiget/erright-se com/ent-se/augport/moduler completeling. 5. Nonmal-voltage range camble extended beyond nominal fireguized by the utility.

  6. Intility may vary Refer to local requirements to define the number of microinvolvers per branch in your area.

  7. Adapters 1 and 2 are qualified per Ut, subject 9783, adapter 3 requires installers to field install their choice of connector.

#### To learn more about Enphase offerings, visit enphase.com





REVISIONS DESCRIPTION DATE REV Signature with Seal

CUSTOMER INFORMATION

1047 PILGRIM AVENUE, BIRMINGHAM, MI 48009 RAMOS RESIDENCE

SHEET NAME **EQUIPMENT** SPECIFICATION

> SHEET SIZE ANSI B 11" X 17"

SHEET NUMBER

PV-7

To learn more about Enphase offerings, visit enphase.com

Data She et Enphase Q Cable Accessories

### Enphase Q Aggregator and Q Cable Accessories

### The Enphase Q Aggregator" and Enphase Q Cable"

are part of the sixth generation Enphase IQ System."
These accessories provide simplicity, reliability, and faster installation times.



#### Enphase Q Aggregator

- Reduces electrical labor and eliminates wire nuts for safer, faster installations
- Aggregates up to three fully populated 20A branch circuits
- Supports solar arrays of up to 11.5 kW with a single rooftop aggregator



#### Enphase Q Cable

- Two-wire Enphase Q Cable is 50% lighter than the previous generation Enphase cable
- New cable numbering and plug and play connectors speed up installation and simplify wire management
- . Link connectors eliminate cable waste



### Field-Wireable Connectors

- Easily connect Q cables on the roof without complex wiring
- Make connections from any open connector and center feed any section of cable within branch limits
- ... Available in male and female connector types



To learn more about Enphase offerings, visit enphase.com



#### Enphase Q Cable Accessories

Q AGGREGATOR SPECIFICATI	ONS				
Model number	Q-BA-3-1P-60				
Dimensions	190 mm (W) x 227 mm (D) x 80 mm (H) (7.5 in (W) x 9 in (O) x 3.2 in (H))				
Enclosure rating	NEMAG (up to 45° from horizontal)				
Temperature range	-40° C to +55° C (-40° F to +122° F)				
Compliance	UL1703, EN62109, UL6703A				
Q CABLE SPECIFICATIONS					
Voltage rating	500V (connector rating 250	V)			
Cable temperature roting	90° C (194° F)				
Certification	UL3003, OG cable				
Flame lest rating	FT4				
Compliance	RollS, OIL RES I, CE, UV resistant, combined UL for Canada and United States				
Cable insulator rating	THHN/THWN 2 dry/wet				
Q CABLE TYPES / ORDERING O	PTIONS				
Model Number	Voltage	Connector Spacing	PV Module Orientation	Connector Count per Be	
Q-12-10-240	740 (max raung 250 VAC)	1.3 m (4.2 ft)	Portrait	240	
Q-12-17-240	240 (max rating 250 VAC)	2.0 m (6.5 ft)	Landscape (60 cell)	740	
0-12-20-200	240 (max rating 250 VAC)	23 m (251t)	Landscape (72 ceil)	200	
ENPHASE Q CABLE ACCESSOR	nes				
Name	Model Number	Description			
Enphase Q Aggregator	Q/BA-3-1P-60	Combines up to three	microinverter branches into	o one hame run	
Field wireable connector (male)	Q CONN 10M	Make connections from any Q Aggregator open connector			
Field-wireable connector (female)	O CONN 10F	Make connections from	m any Q Cable open connec	clor	
Cable clip	Q CLIP-100	Used to fosten cabling to the racking or to secure looped cabling			
Disconnect (ool	Q-bisc-10	Disconnect tool for Q Cable connectors, DC connectors, and AC module mour			
Q Aggregater sealing caps (maie)	Q BA-CAP 10	Q-BA-CAP-10 Sealing cap for unused aggregator connections			
O Cable sealing caps (female)	Q-SEAL-10	Q-SEAL-10 One needed to cover each unused connector on the cabling			
Terminator	Q TERM-10	Q TERM-10 Terminator cap for unused cable ends			
Replacement DC Adaptor (MC4)	U DCG 2	DC adaptor to MC4 (no	ax voltage 100 VDC)		
Replacement DC Adaptor (UTX)	Q DCC-5	DC adaptor to UTX (ma	ax voltage 100 VDC)		
	TERMINATOR		SEALIN	GCAPS	
	Terminator cap for unused cable ends, sold in packs of ten Q-TERM-10	Į,	Sealing of aggregation	raps for unused for end cable consection AP 10 and Q-SEAU10)	
1.1	DISCONNECT TOOL		CABLE	CLIP	
<b>=O</b> C	Plan to use at least one per installation, sold in packs of len (Q-DISC-10)	Bri	or to secu	asten cabling to the ruckin ure looped cabling, sold in ten (Q-CLIP-100)	

To learn more about Enphase offerings, visit enphase.com

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SHEET NAME
EQUIPMENT
SPECIFICATION

SHEET SIZE

ANSI B 11" X 17"

SHEET NUMBER



### **XR** Rail Family

States in Paral Adminy a Strongy

Over their lifetime, solar panels experience countless extreme weather events. Not just the worst storms in years, but the worst storms in 40 years. High winds capable of ripping panels from a roof, and snowfalls weighing enough to buckle a panel frame.

XR Rails are the structural backbone preventing these results. They resist uplift, protect against buckling and safely and efficiently transfer loads into the building structure. Their superior spanning capability requires fewer roof attachments. reducing the number of roof penetrations and the amount of installation time



Force-Stabilizing Curve

Gloped roofs generate both vertical and lateral forces on mounting raise which can cause them to bend and twist. The curved shape of XR Raise is specially designed to increase strength in both feature ensures greater security during extreme

#### Compatible with Flat & Pitched Roofs



compatible with FlashFoot and other priched roof ettachments



tranRidge offers a range of lift leg options for flat

#### Corresion-Resistant Materials

All XR Reis are made of 6000-senes aluminum alog then protected with an anodized firish. Anodizing prevents surface and structural certosion, while also providing a more attractive appearance



#### XR Ruiti II

#### XR10 Rail



A low-profile mounting rail for regions with light snow.

- · 6' spanning capability
- · Moderate load capability

UFO8

· Clear and black finish

### XR100 Rall



The ultimate residential solar mounting rail.

- · 8' spanning capability
- · Heavy load capability
- · Clear and black finish

Stopper Sleeves

### XR1000 Rail



A heavyweight mounting rail for commercial projects

- · 12' spanning capability
- · Extreme load capability
- · Clear anodized finish

CAMO

#### Bonded Splices



All rails use internal splices for seamless connections.

- · Self-drifling screws
- · Varying versions for raits
- · Forms secure bonding



Universal Fastering Objects bond modules to rails.

· Fully assembled & lubed

FlashFoot2

- · Single, universal size
- · Clear and black finish Affectiverents -



- · Bonds modules to rails
- · Sized to match modules

Flash and mount conduit,

· Secures %" or 1" conduit

strut, or junction boxes.

Conduit Mount

· Clear and black finish

#### · Tool-less installation

Slotted L-Feet

#### Bond modules to rails while staying completely hidden. Universal end-cam clamp

- · Fully assembled

**Grounding Lugs** 



Connect arrays to equipment ground.

- Low profite
- · Single tool installation
- Mounts in any direction

### Bonding Hardware

Drop-in design for rapid rail

- · Secure rail connections
- · Twist-on Cap eases install
- atlachment · Wind-driven rain tested · Slot for vertical adjusting
  - · Clear and black finish

#### Bond and attach XR Rails lo roof attachments

- · T & Square Bolt options
- · Nut uses 7/16' socket
- Assembled and lubricated

**EQUIPMENT** 

SPECIFICATION SHEET SIZE

S South Old US Highway 115 Brighton, MI 48114

REVISIONS

DESCRIPTION DATE REV

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CUSTOMER INFORMATION

RAMOS RESIDENCE

AVENUE, MI 48009

1047 PILGRIM A BIRMINGHAM, N

ANSI B 11" X 17"

SHEET NUMBER

PV-9

#### Hobburdes



Flash and mount XR Rails

with superior waterproofing.

· Wind-driven rain tested

· Mill and black finish

· Twist-on Cap eases install

Design Assistant

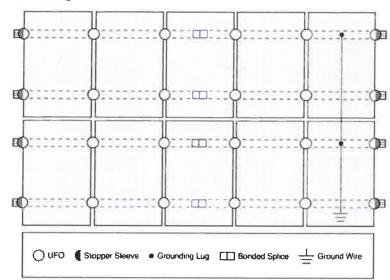
Go from rough layout to fully engineered system. For free.



**NABCEP Certified Training** Earn free continuing education credits, while learning more about our systems.



#### System Diagram



 Approved Enphase microinverters can provide equipment grounding of fronRidge systems, eliminating the need for grounding lugs and field installed equipment ground conductors (EGC). A minimum of two microinverters mounted to the same rail and connected to the same Engage cable is required. Refer to installation manuals for additional details.

#### **UL Certification**

The IronRidge Flush Mount, Till Mount, and Ground Mount Systems have been listed to UL 2703 by Intertek Group plc.

UL 2703 is the standard for evaluating solar mounting systems. It ensures these devices will maintain strong electrical and mechanical connections over an extended penod of time in extreme outdoor environments.



	Cecus-System	Competitions	
Profitte	Francisco Michigan	TRE Mount	Ground Manage
XR Rads	~	*	XR1000 Only
UFO/Stopper	~	~	~
Bonded Splice	~	~	N/A
Grounding Lugs	1 per Row	1 per Row	1 per Array
Microinverters & Power Optimizers		0-72, M250-60, M3 IG240, MIG300, C P320, P400, P405	320 G640
Fire Rating	Class A	Class A	N/A
Modules		ted with over 400 lation manuals for	





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CUSTOMER INFORMATION

1047 PILGRIM AVENUE, BIRMINGHAM, MI 48009

RAMOS RESIDENCE

SHEET NAME
EQUIPMENT
SPECIFICATION

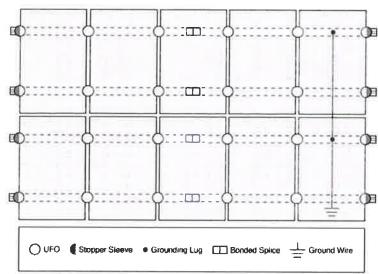
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SHEET NUMBER



#### System Diagram



Q Approved Enphase microinverters can provide equipment grounding of IronRidge systems, etiminating the need for grounding lugs and field installed equipment ground conductors (EGC). A minimum of two microinverters mounted to the same ratil and connected to the same Engage cable is required. Refer to installation manuals for additional detail.

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UL 2703 is the standard for evaluating solar mounting systems, it ensures these devices will maintain strong electrical and mechanical connections over an extended period of time in extreme outdoor environments.



Gross-System Competibility						
Feebpe	Plant Mount	Till Microsoft	Ground Moun			
XR Rails	*	~	XR1000 Only			
UFO/Stopper	*	4	*			
Bonded Splice	*	*	N/A			
Orounding Lugs	i par Row	1 per Row	1 per Array			
Microinverters & Power Optimizers	Enphase - M259-72, M250-60, M215-60, C250-72 Darfon - MIG240, MIG300, G320, G640 SolarEdge - P300, P320, P400, P405, P600, P700, P730					
Fire Rating	Class A	Class A	N/A			
Modules		ted with over 400 lation manuals for				



## Class A Fire Rating

#### Background

All rooling products are tested and classified for their ability to resist fire.

Recently, these fire resistance standards were expanded to include solar equipment as part of the roof system. Specifically, this requires the modules, mounting hardware and roof covering to be tested together as a system to ensure they achieve the same fire rating as the original roof covering.

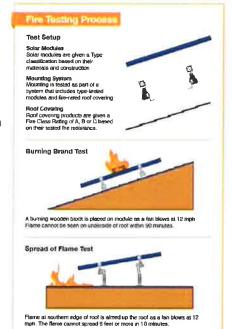
These new requirements are being adopted throughout the country in 2016.

#### IronRidge Certification

IronRidge was the first company to receive a Class A Fire Rating—the highest possible rating—from Intertek Group plc., a Nationally Recognized Testing Laboratory

IronRidge Flush Mount and Tilt Mount Systems were tested on sloped and flat roofs in accordance with the new UL 1703 & UL 2703 test standards. The testing evaluated the system's ability to resist flame spread, burning material and structural damage to the roof.

Refer to the table below to determine the requirements for achieving a Class A Fire Rating on your next project.



Symtem	Roof Slope	Module	Pire Ruleng
Flush Mount	Any Slope	Type 1, 2, & 3	Class A
Tilt Mount	≤6 Degrees	Type 1, 2, & 3	Class A

4023 South Old US Highway 23 #115 Brighton, MI 48114 REVISIONS DESCRIPTION DATE REV Signature with Seal CUSTOMER INFORMATION 1047 PILGRIM AVENUE, BIRMINGHAM, MI 48009 RAMOS RESIDENCE EQUIPMENT SPECIFICATION SHEET SIZE ANSI B 11" X 17" SHEET NUMBER PV-11

ATTENDED IN ALTERNATION CONTRACTOR AND ADDRESS AND ADD

## RT-MINI

Self-flashing base for asphalt & metal roof-top PV mounting systems

RT-MINI is suitable for mounting any rail system with a conventional L-Foot.



Dual bolt design: M8 or 5/16" for L-Foot & 1/4" for EMC

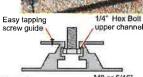


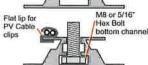
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www.roof-tech.us









# RT-MINI

Flexible Flashing certified by the International Code Council (ICC)

### Engineered to ASTM D 1761 (Standard Test Methods for Mechanical Fasteners In Wood)

#### Components

RT2-00-MINIBK PAT : PENDING



Screw: 40 ea. Extra RT-Butyl: 10 ea.

#### Optional item

5 x 60mm Mounting screw (RT2-04-SD5-60) : 100 ea/Bag 5/16" Hex bolt, washer & nut set (RT-04-BN30SL-US): 100 ea/Bag RT-Butyl (RT2-04-BUTYLT): 10 ea /Box

RT-Bulyl is Roof Tech's flexible flashing used in 700,000 residential PV systems for the last 24 years. It is the first PV mounting system with Flexible Flashing certified by the ICC.







100% Waterproof

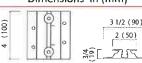
ASTM2140 testing UV testing (7500 hrs.) ICC ESR-3575







### Dimensions in (mm)

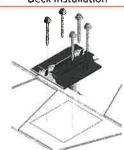


Rafter installation

2 (50)



Deck installation



P.E. Stamped Letters available at www.roof-lech.us/support

Roof Tech Inc. www.roof-tech.us info@roof-tech.us 10620 Treena Street, Suite 230, San Diego, CA 92131 858.935.6064



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CUSTOMER INFORMATION

1047 PILGRIM AVENUE, BIRMINGHAM, MI 48009 RAMOS RESIDENCE

SHEET NAME **EQUIPMENT SPECIFICATION** 

ANSI B 11" X 17"

SHEET NUMBER

PV-12

# Birmingham Planning Board Proceedings June 9, 2021

## **Public Comment**

Mr. Schmier asked that the public comments provided during the item's discussion be included in the documentation sent to the Commission to demonstrate the shared concerns of both Eton One and Eton Two.

Chair Clein confirmed that would occur.

## Motion carried, 6-1.

**ROLL CALL VOTE** 

Yeas: Whipple-Boyce, Emerine, Williams, Clein, Share, Koseck

Nays: Jeffares

## Motion by Ms. Whipple-Boyce

Seconded by Mr. Emerine to recommend approval to the City Commission of the Special Land Use Permit for 501 S. Eton — Whistle Stop — subject to the conditions of Final Site Plan & Design Review approval.

## Motion carried, 6-1.

**ROLL CALL VOTE** 

Yeas: Whipple-Boyce, Emerine, Williams, Clein, Share, Koseck

Nays: Jeffares

06-078-21

## F. Study Session Items

1. Public Hearing – Solar Panel Regulations

PD Ecker reviewed the item.

Mr. Koseck said he was uncomfortable moving the ordinance language forward given that they had not spoken with a third-party expert like they had done for glazing.

Chair Clein noted that in formulating the recommended changes staff had reviewed solar panel ordinances from municipalities across the country. He expressed support for the recommended changes.

## Motion by Mr. Williams

Seconded by Mr. Share to recommend to the City Commission amendments to Section 4.09 of the Zoning Ordinance to remove roof-mounted solar electric systems from that section and to also amend Section 4.88, regarding alternative energy, to add amended solar energy system requirements and to reorganize the wind energy requirements without changing them.

## Motion carried, 7-0.

## Birmingham Planning Board Proceedings April 14, 2021

Seconded by Mr. Koseck to recommend denial to the City Commission the Special Land Use Permit for 720 N. Old Woodward – Vinewood Bistro – because the proposal fails to satisfy the spirit and intent of the Zoning Ordinance as required in Section 7.26 and 7.27, specifically the outdoor enclosure issue of 3.04(c)(10)(h), and the 'no permanent structure requirement' of Section 3.04(c)(10)(i), as well as floodplain, dumpster, pedestrian interaction and storefront issues.

Mr. Koseck said the seating limits in the bistro ordinance were a key part of its appeal and efficacy. He noted that the area in the rear of 720 N. Old Woodward would be difficult to police. He also noted that even if the Planning Board did endorse the proposed plans the applicant would still have to appear before the Board of Zoning Appeals for a number of variance requests.

## Motion carried, 7-0.

**ROLL CALL VOTE** 

Yeas: Share, Koseck, Jeffares, Whipple-Boyce, Clein, Ramin, Boyle

Nays: None

## **Motion by Mr. Share**

Seconded by Mr. Koseck to recommend denial to the City Commission the final site plan and design review for 720 N. Old Woodward – Vinewood Bistro – because the proposal fails to satisfy the spirit and intent of the Zoning Ordinance as required in Section 7.26 and 7.27, specifically the outdoor enclosure issue of 3.04(c)(10)(h), and the 'no permanent structure requirement' of Section 3.04(c)(10)(i), as well as floodplain, dumpster, pedestrian interaction and storefront issues.

## Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Share, Koseck, Jeffares, Whipple-Boyce, Clein, Ramin, Boyle

Nays: None

04-052-21

## **F. Study Session Items**

## 1. Solar Panel Regulations

CP Dupuis summarized the item.

Mr. Jeffares recommended the City enlist an expert in solar panels to review the ordinance proposal in order to avoid potentially having to re-do or update the ordinance earlier than necessary. Mr. Jeffares also recommended that the ordinance language specifically preclude wall- or facade-mounted solar panels, stating that it is aesthetically unpleasing and could cause issues with neighboring properties.

Chair Clein concurred with Mr. Jeffares' recommendation regarding wall- or facade-mounted solar panels.

Mr. Boyle asked if there was any near-future technology the ordinance should address.

Chair Clein said that strips of solar panels being used to line bicycle paths was being tried in Europe, but that wide-spread implementation would not be in the near future.

In reply to Mr. Share, CP Dupuis said he did not recommend screening for ancillary equipment because it would increase the difficulty of installation and maintenance. CP Dupuis noted this ordinance review was being conducted with an aim towards reducing the impediments to using solar panels in the City. He added that users of solar panels also needed quick access to disconnect features.

Mr. Share recommended that the ordinance states that users of solar panels are not exempt from screening otherwise required by the Zoning Ordinance.

CP Dupuis said he could update the recommended ordinance language with the Board's comments and have it ready for a public hearing on May 12, 2021.

## Motion by Mr. Boyle

Seconded by Mr. Jeffares to set a public hearing on solar panel regulations ordinance language for the regular Planning Board meeting of May 12, 2021.

## Motion carried, 7-0.

**ROLL CALL VOTE** 

Yeas: Boyle, Jeffares, Whipple-Boyce, Clein, Ramin, Share, Koseck

Nays: None

## 2. Glazing Standards

CP Dupuis summarized the item.

Mr. Share said he had recent occasion to purchase some low-iron glass, and that it added about 15% to the cost. He stated that he found the difference between low-iron and regular glass to be **visually** immaterial. He suggested that the low-iron requirement be removed from the recommended language, saying he thought it inappropriate to burden owners and developers with the extra cost.

Mr. Koseck and Ms. Whipple-Boyce, two other members of the Board familiar with glazing standards from their professions, did not dispute Mr. Share's recommendation when asked.

## Motion by Mr. Share

# Mr. Share said he was in favor of moving the topic to a public hearing and not in favor of mandating low iron glass.

## Motion carried, 6-1.

**ROLL CALL VOTE** 

Yeas: Whipple-Boyce, Koseck, Williams, Boyle, Clein, Jeffares

Nays: Share

Mr. Boyle echoed Ms. Whipple-Boyce's previous statement that the Board should have comparative costs for low iron and clear glass to review. He said the Board should be aware how a low iron requirement might be layering on costs to development in the City.

Chairman Clein thanked Mr. Hatfield for sharing his expertise with the Board.

## 2. Solar Panel Review Process

City Planner Dupuis reviewed the item.

Ms. Whipple-Boyce said she recently encountered a large solar battery in some work she was doing in another community, and cautioned that the Board might not want to allow any and all ancillary equipment for solar panels to be outside the home given the potential range of sizes.

Mr. Williams said he was fine with solar panels but might be less fine with ancillary equipment on the side of a home given that it might be more prominent in a neighbor's view.

City Planner Dupuis asked if Mr. Williams would prefer the ancillary equipment to be mounted only to the rear of the home, or to possibly be screened in some way.

Mr. Williams said he was not sure what the best approach would be. He said he thought it would depend on the house, the location of the neighboring properties, and the type of equipment.

Planning Director Ecker said that moving the equipment to the rear of a home would have the benefit of being further from a neighbor's yard because of the greater required setback. She noted that, in contrast, equipment on the side of a home might be only five feet from the property line.

Ms. Whipple-Boyce agreed that placement would depend on the size of the equipment. She said that a small electric meter or connection into the house to the battery need not be limited to the rear or interior of a home, whereas larger equipment should be. She said that the Board could likely specify appropriate locations with more information on the most commonly used kinds of equipment.

City Planner Dupuis said he could find pictures of the City's most recent solar panel approvals to provide the Board with a better sense of the size of the ancillary equipment.

Mr. Jeffares noted how helpful it was to have Mr. Hatfield consulting the Board during their glazing discussion, and said it would be equally helpful to find someone as well-versed in solar power technologies. He observed that the Board was doing some guesswork in the current discussion and thought it would be better to get more specific answers. He said that consulting with someone knowledgeable in the field would have the additional benefit of informing the Board on how the technology is trending, so they could factor those considerations into the ordinance language as well.

Mr. Williams agreed with Mr. Jeffares. He said that the proposed language regarding ancillary equipment was likely too vague and should be clarified before being advanced to a public hearing.

Ms. Whipple-Boyce said she could email City Planner Dupuis some contact information for someone who might know more about solar power technology.

07-90-20

## F. Miscellaneous Business and Communications:

- a. Communications
- b. Administrative Approval Correspondence

City Planner Dupuis explained that the owners of 266 Elm Street wanted to remove the patio in the rear of their building, to replace it with exposed aggregate, to add eight planters, and to replace the rear fence. He noted that the exposed aggregate would go all the way to the rear fence which would result in the removal of some amount of landscaped area.

Consensus of the Board was to grant administrative approval for the plans.

- c. Draft Agenda for the next Regular Planning Board Meeting (August 12, 2020)
  - Master Plan Draft Review
- d. Other Business

07-91-20

## H. Planning Division Action Items

- a. Staff Report on Previous Requests
- b. Additional Items from tonight's meeting

07-92-20

## I. Adjournment

## 2. Master Plan Review Process Update

Planning Director Ecker presented the item. She explained that the City Commission approved the proposal as submitted with the exception that the schedule would start in February 2020, and not January 2020. She stated that in December 2019 the City Commission approved the expenditure of up to \$28,600 for additional public engagement activities. That figure included the potential for two different round-table discussions, a drop-in clinic, and two additional short surveys. Should the Board want to pursue any of those options, they would make a recommendation to the City Manager who would disburse the requisite funds should he approve of the recommendation.

Planning Director Ecker said the scheduled Planning Board master plan discussions would be publicized on the City's website, the Master Plan website, and all City social media channels. Sarah Traxler, one of the local members of the Master Plan team, would likely be attending each meeting and giving a presentation of the evening's master planning topic. Those presentations would also be included in the Planning Board's agenda packets the Friday before their Wednesday meetings in order to afford both the public and the Board members time to review the topic. Robert Gibbs, another local member of the Master Plan team, would likely also be present at the meetings.

Planning Director Ecker said that between sessions she would collect any master plan comments submitted to the Planning Department and include them in the agenda packet for the next scheduled master plan meeting so that the Board would have an opportunity to review those as well.

## 3. Solar Panel Review Process

City Planner Dupuis presented the item.

Mr. Emerine noted that on page 620 of the Planning Board's agenda packet, 4.88 B said 'wind' when it should read 'solar'.

City Planner Dupuis agreed and said he would make the change. He further explained:

- Ancillary solar panel equipment is very small and would be mounted to the wall of
  whatever building is using it. He said it would be visually unobtrusive and that he had not
  come across any information on undue noise production by the equipment. He said he
  would bring the spec sheets for the ancillary equipment to a public hearing once scheduled
  which would provide both the Board and the public with more information on the items.
- He would clarify the suggested language to explain that the 40 square foot limit on a solar panel system counts all connected panels as part of one system. Since the average solar panel is three-and-a-half feet by five feet, he recommended the 40 square foot limit in order to allow two average-sized solar panels. City Planner Dupuis said he provided the 40 square feet to begin the conversation, and also proposed the number because he was unsure whether it would be appropriate in a residential setting to have more than 40 square feet of solar panels. He noted that some other cities restrict solar panels to occupying no more than a certain percentage of a given lot.

 Ground mounted solar panels could enable residents who do not want to mount panels on their roof to still have access to some solar power. Ground mounted solar panels would also allow businesses to use solar-powered trash compactors.

Ms. Whipple-Boyce said that she did not yet know enough about ground-mounted solar panels, but that if the City proceeded toward allowing them she would prefer that their allowable yard coverage be calculated by percentage and not by a set amount. She also told City Planner Dupuis that there had been a conversation regarding wind energy facilities about ten years hence, and that if he could find the minutes from that conversation it might help provide some useful information on the topic.

Mr. Koseck said the Board might want to consider not allowing solar panels at grade because it could encourage residents to do away with any greenery that could get in the way of the panels. He also said that 40 square feet of solar panels on the ground might not be enough to generate a worthwhile amount of energy. Mr. Koseck added that solar panels are impervious which would also raise ordinance issues in terms of ground cover. Since most people would likely rather not install solar panels at grade anyways, Mr. Koseck said he would just as soon prohibit it to avoid these issues since the potential environmental gain would likely not be significant in those cases.

Mr. Jeffares echoed Mr. Koseck's concerns about ground mounted solar panels and said he would prefer to continue studying that possibility and whether it would be worthwhile.

Ms. Ramin noted that on page 625, in section G, the phrase "If a wind energy facility has not been removed within 30 days a deadline specified by the City" would need to be clarified.

Mr. Share noted that on page 621, Item F, the word should be 'complemented', not 'complimented'. He agreed with Mr. Koseck and Mr. Jeffares that ground mounted solar panels were likely not necessary to pursue at this time.

Chairman Clein expressed agreement with Mr. Koseck, Mr. Jeffares, and Mr. Share regarding ground mounted solar panels.

In reply to Chairman Clein, City Planner Dupuis said he would do more research on the benefits and drawbacks of the anti-reflective coating some other cities' ordinances require for solar panels.

## 4. Glazing Standards

City Planner Dupuis presented the item.

Mr. Koseck said he had a list of two or three people he would be reaching out to soon who might be able to contribute meaningfully to the glazing standards conversation. He said that once he had done that he would loop City Planner Dupuis in as appropriate.

Chairman Clein explained that in February 2020 and April 2020 there will only be one Planning Board meeting per each month and that both of those meetings are dedicated to master plan discussion. He suggested that Board members look at their calendars to see if a special meeting could be scheduled to wrap up some of these other study session topics. He added that even if

# BIRMINGHAM CITY COMMISSION / PLANNING BOARD JOINT WORKSHOP SESSION

**JUNE 17, 2019** 

DPS FACILITY, 851 SOUTH ETON 7:30 P.M.

## I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Patty Bordman called the meeting to order at 7:30 PM.

## II. ROLL CALL

Commission

ROLL CALL: Present: Mayor Bordman

Commissioner DeWeese Commissioner Harris Commissioner Hoff Commissioner Nickita Commissioner Sherman

Absent: Mayor Pro Tem Boutros

Planning Board

ROLL CALL: Present: Chairman Scott Clein

Robin Boyle Stuart Jeffares

Nasseem Ramin, alternate

**Daniel Share** 

Janelle Whipple-Boyce J. Bryan Williams

Absent: Jason Emerine, alternate

Bert Koseck

Sophia Trimble, student representative John Utley, student representative

Administration: City Manager Valentine, Deputy City Clerk Arft, Planning Director Ecker, Building Official Johnson, City Planner Cowan

## III. ITEMS FOR DISCUSSION

City Manager Valentine said the objective tonight was to provide discussion items in order to clarify how the City should move forward on the following issues.

## A. Current Issues:

## 1. Discussion on solar panel regulations

Planning Director Ecker reviewed the item. She emphasized that solar panel can now be integrated, so that aesthetics are not as big an issue. In reply to Commissioner Hoff, Planning Director Ecker stated that in the past six months there have been eight requests for solar panels. Residents have been paying a fee of \$400 for design review plus a sign bond of \$100 if the solar

1

panels are going to be installed on the front of their homes, and have been paying \$100 for an administrative review if the solar panels are to be installed on the back of their homes.

Planning Director Ecker confirmed for Commissioner DeWeese that comments from the public have been positive.

Commissioner Nickita stated his only concern would be obtrusive-looking solar panels, which he said would be caught by staff during administrative review. He suggested that those examples could be brought to the Planning Board for review, while the more subtle installations could be administratively approved.

Mr. Jeffares said solar panels are part of the future of ecologically-sustainable building, and that Birmingham should be doing whatever it can within reason to encourage their use. He also mentioned that currently the shingle model of solar panels are twice as expensive as the panel models and are one-third less effective. He said he anticipates the shingle model of solar panels will become more efficient over time.

Seeing no public comment, Mayor Bordman acknowledged consensus that the Planning Board should re-study the issue.

Chairman Clein asked whether the Planning Board should be studying the application process for solar panels or the design standards.

City Manager Valentine said the Commission would be formally amending the Planning Board action list in the near future to provide specific direction on any recommended study items from this meeting.

Mayor Bordman expressed appreciation for Chairman Clein's clarifying question, and said she would personally like to see both topics studied though the final study direction would come from the Commission as a whole.

## 2. Discussion on enclosing balconies, patios and terraces

Planning Director Ecker presented the item. She clarified for Commissioner Hoff that some of these situations are being enclosed as three-season rooms and some are not.

Commissioner Hoff observed that the changes being made to these buildings were reasonably significant as they resulted in a change of the building footprint.

In reply to Commissioner Harris, Planning Director Ecker stated the President of the Crosswinds association has called the Planning Department multiple times to express his displeasure with these enclosures. She noted that despite the President's displeasure the same association did vote to allow these enclosures on their building. She stated this has been the only contact the City has received from the public on the matter.

Commissioner Nickita said while these examples happen to be high-quality, if the City allows enclosures in general the results could also be of lower quality. He said the City must create appropriate design standards for these enclosures, must consider the footprint expansion these

any proposed signage; 7) Applicant comply with the requests of all City Departments; 8) Applicant obtain approval of a lease agreement by the City Commission for all projections and /or encroachments on City property; 9) Applicant revise plan sheets as necessary to ensure all sheets are consistent and show the required property lines and clearly note all projections / encroachments across property lines; and 10) At Final Site Plan Review, the applicant must provide the Special Event Operations Plan for the said hotel.

## Motion carried, 7-0.

**VOICE VOTE** 

Yeas: Boyle, Koseck, Williams, Share, Jeffares, Whipple-Boyce, Clein

Nays: None

05-077-19

## F. Request for Design Review

1. 1986 Northlawn – Private Residence – Request for design review and approval of the installation of eight solar panels on the front (street) facing portion of the roof of a private single family residence.

City Planner Dupuis presented the item.

Mr. Williams asked why the ordinance did not allow solar panels on the front of homes without Planning Board approval.

Planning Director Ecker said she was unsure as to the exact reason, but it is likely aesthetics.

Mr. Jeffares said that traditional solar panels can be aesthetically obtrusive, and noted that several manufacturers have recently started producing solar panels which resemble roofing shingles. While he stated that he was unsure if there were other reasons that the smaller solar panels could not be used, for instance cost or output, he said they are generally nicer to look at than traditional solar panels.

Ms. Whipple-Boyce reminded the PB that they granted a similar front-of-roof solar panel installation for a home on Lincoln a few years prior, and that it yielded a fine result.

Mr. Boyle asked how much the City charged for this review.

City Planner Dupuis said it was \$500 total.

Mr. Boyle said granting this resident request would be the easiest thing in the world to do to encourage ecological sustainability. He suggested that residents adding solar panels to their houses should incur no design review fee and a simple approval process.

Birmingham Planning Board Proceedings May 22, 2019

Planning Director Ecker stated that the Planning Department could allow solar panel installations through administrative approval for \$100 if the Planning Board no longer wants to review the majority of such requests.

Chairman Clein said the Planning Board could ask the City Manager for permission to further consider the benefits of Mr. Boyle's proposal.

Ms. Whipple-Boyce assented to that idea.

## Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to move to approve the design plan for 1986 Northlawn.

## Motion carried, 7-0.

**VOICE VOTE** 

Yeas: Williams, Whipple-Boyce, Boyle, Koseck, Share, Jeffares, Clein

Nays: None

## 05-078-19

## G. Miscellaneous Business and Communications: a. Communications

Planning Director Ecker stated that the City Commission stated a public hearing date in June 2019 for Rojo/Sidecar, trash enclosures, screening, and railings.

The Bates Street development is on the meeting agenda for the second meeting in June 2019. City Manager Valentine will provide the Board with more specific direction on its obligations.

Mr. Williams reiterated his request for an opinion from City Attorney Currier on the Board's obligations vis-a-vis the Bates Street development as well.

Pernoi will be back to the PB on June 12, 2019 for bistro consideration. Brooklyn Pizza has not yet submitted.

The Board decided to continue discussion of aging in place, with staff providing information on what other urban communities have done in order to inform the conversation.

## **b.** Administrative Approval Correspondence

City Planner Dupuis explained that the Old Woodward reconstruction removed the outdoor dining space for Mad Hatter Bistro, which is required by ordinance to retain its bistro license. Randy Dickow of Mad Hatter Bistro has negotiated with the next door property owner to use 50% of his frontage, which is permitted by ordinance as long as the next door property is vacant. The remaining issue is that the proposed location of the outdoor dining would cause it to abut a City-



## **MEMORANDUM**

**City Clerk's Office** 

DATE: July 20, 2021

TO: Thomas M. Markus, City Manager

FROM: Alexandria Bingham, City Clerk

SUBJECT: Designation of Voting Delegate(s) for the Michigan Municipal

**League Annual Meeting** 

The City of Birmingham is a member of the Michigan Municipal League (MML). The MML is holding its annual meeting in Grand Rapids, MI on from September 22, 2021. On the agenda for the meeting is the election of six members to the MML Board of Trustees and a vote on the Core Legislative Principles document.

A resolution by the City Commission is required to designate a voting delegate and alternate voting delegate to vote on behalf of the City. The deadline to submit delegate information to the MML is August 20, 2021.

## **ATTACHMENTS:**

• Letter from MML dated July 2, 2021

## SUGGESTED RESOLUTION:

To appoint \_\_\_\_\_ as the Birmingham City Commission's official voting delegate, and \_\_\_\_ as the alternate voting delegate, at the Michigan Municipal League Annual Meeting to be held in Grand Rapids, Michigan on September 22, 2021.



1675 Green Road Ann Arbor, MI 48105-2530

T 734.662.3246 800.653.2483 F 734.662.8083 mml.org

July 2, 2021

## Michigan Municipal League Annual Meeting Notice

(Please present at the next Council, Commission or Board Meeting)

## Dear Official:

The Michigan Municipal League Annual Convention will be held in Grand Rapids, September 22-24, 2021. The League's "Annual Meeting" is scheduled for 4:15 pm on Wednesday, September 22 in Ambassador Ballroom East at the Amway Grand Hotel. The meeting will be held for the following purposes:

- 1. <u>Election of Trustees</u>. To elect six members of the Board of Trustees for terms of three years each (see #1 on page 2).
- 2. Policy. A) To vote on the Core Legislative Principles document.

In regard to the proposed League Core Legislative Principles, the document is available on the League website at http://www.mml.org/delegate. If you would like to receive a copy of the proposed principles by fax, please call Monica Drukis at the League at 800-653-2483.

- B) If the League Board of Trustees has presented any resolutions to the membership, they also will be voted on. (See #2 on page 2.) In regard to resolutions, member municipalities planning on submitting resolutions for consideration by the League Trustees are reminded that under the Bylaws, they must be submitted to the Trustees for their review by <u>August 20, 2021.</u>
- 3. Other Business. To transact such other business as may properly come before the meeting.

## Designation of Voting Delegates

Pursuant to the provisions of the League Bylaws, <u>you are requested to designate by action of your governing body one of your officials who will be in attendance at the Convention as your official representative to cast the vote of the municipality at the Annual Meeting, and, if possible, to designate one other official to serve as alternate. Please submit this information through the League website by visiting http://www.mml.org/delegate <u>no later than August 20, 2021.</u></u>



Regarding the designation of an official representative of the member to the annual meeting, please note the following section of the League Bylaws:

"Section 4.4 - <u>Votes of Members</u>. Each member shall be equally privileged with all other members in its voice and vote in the election of officers and upon any proposition presented for discussion or decision at any meeting of the members. Honorary members shall be entitled to participate in the discussion of any question, but such members shall not be entitled to vote. The vote of each member shall be cast by its official representative attending the meeting at which an election of officers or a decision on any proposition shall take place. Each member shall, by action of its governing body prior to the annual meeting or any special meeting, appoint one official of such member as its principal official representative to cast the vote of the member at such meeting, and may appoint one official as its alternate official representative to serve in the absence or inability to act of the principal representative."

## 1. Election of Trustees

Regarding election of Trustees, under Section 5.3 of the League Bylaws, six members of the Board of Trustees will be elected at the annual meeting for a term of three years. The regulations of the Board of Trustees require the Nominations Committee to complete its recommendations and post the names of the nominees for the Board of Trustees on a board at the registration desk at least four hours before the hour of the business meeting.

## 2. Statements of Policy and Resolutions

Regarding consideration of resolutions and statements of policy, under Section 4.5 of the League Bylaws, the Board of Trustees acts as the Resolutions Committee, and "no resolution or motion, except procedural and incidental matters having to do with business properly before the annual meeting or pertaining to the conduct of the meeting, shall be considered at the annual meeting unless it is either (1) submitted to the meeting by the Board of Trustees, or (2) submitted in writing to the Board of Trustees by resolution of the governing body of a member at least thirty (30) days preceding the date of the annual meeting." Thus, the deadline this year for the League to receive resolutions is August 20, 2021. Please submit resolutions to the attention of Daniel P. Gilmartin, Executive Director/CEO at 1675 Green Rd., Ann Arbor, MI 48105. Any resolution submitted by a member municipality will go to the League Board of Trustees, serving as the resolutions committee under the Bylaws, which may present it to the membership at the Annual Meeting or refer it to the appropriate policy committee for additional action.

Further, "Every proposed resolution submitted by a member shall be stated in clear and concise language and shall be accompanied by a statement setting forth the reasons for recommending the proposed resolution. The Board shall consider the proposal at a Board meeting prior to the next annual meeting and, after consideration, shall make a recommendation as to the advisability of adopting each such resolution or modification thereof."



## 3. Posting of Proposed Resolutions and Core Legislative Principles

The proposed Michigan Municipal League Core Legislative Principles and any new proposed Resolutions recommended by the Board of Trustees for adoption by the membership will be available on the League website, or at the League registration desk to permit governing bodies of member communities to have an opportunity to review such proposals and delegate to their voting representative the responsibility for expressing the official point of view of the member at the Annual Meeting.

The Board of Trustees will meet on Tuesday, September 21 at Amway Grand Hotel for the purpose of considering such other matters as may be requested by the membership, in addition to other agenda items.

Sincerely,

William Wild President

Mayor, City of Westland

Daniel P. Gilmartin

Executive Director & CEO

We love where you live.

## **MEMORANDUM**

DATE:

July 21, 2021

TO:

Thomas M. Markus, City Manager and City Commission

FROM:

Mary M. Kucharek

**SUBJECT:** 

**CIA Board** 

The issue presented is whether a member serving on the Birmingham Triangle District Corridor Improvement Authority (CIA) Board must be disqualified from serving as a Board Member or disqualified from participating in any decision making, if they are owners of land currently or sometime in the future for redevelopment in the Triangle Corridor District? The answer is "no." Disqualification is not necessary.

Membership of the CIA Board is dictated by Public Act 280 of 2005, at MCL §§ 125.2871 through 125.2899, which authorizes the City to create a Corridor Improvement Authority. Once the Corridor Improvement Authority is created, the Act further provides for the supervision and control of the Authority by a Board that includes the City's Mayor and 5 to 9 additional members. Birmingham has resolved that:

"The Authority shall be under the supervision and control of the Board. The Board shall consist of the Mayor, or his or her assignee, and six additional members. Members shall be appointed by the Mayor, subject to approval by the City Commission. Not less than a majority of the members shall be persons having an ownership or business interest in property located in the Development area. Not less than 1 of the members shall be a resident of the Development area, or an area within ½ mile of any part of the Development Area.

Members shall be appointed to serve for a term of four years."

At least one member of the Board shall be a resident of the district and the majority of the Board shall have ownership or business interest in the development area, including ownership of land.

We must balance the Public Act with state laws regarding ethics and the Ethics Ordinance for the City of Birmingham. Chapter 2, Article 9 of the Code of Ordinances dictates ethical responsibilities for all public offices and employees of the City. The Ethics Ordinance demands a minimum standard of ethical conduct and defines the responsibilities of public office. It is the intention of Sec. 2-324 that City officials and employees avoid any action, whether or not specifically prohibited by Sec. 2-324, which might result in, or create the appearance of:

"(1) Using public employment or office for private gain;

- (2) Giving or accepting preferential treatment, including the use of city property or information, to or from any organization or person;
- (3) Losing complete independence or impartiality of action;
- (4) Making a city decision outside official channels; or
- (5) Affecting adversely the confidence of the public or the integrity of the city government."

The Code of Ethics is intended to be preventative and not punitive. It should not be construed to interfere with or abrogate in any way the provisions of any federal or state statutes, the City Charter or City ordinances.

It is contemplated by state law and Birmingham ordinance that persons that may be impacted by decisions of the CIA Board actually serve on the Board. It is the responsibility of any public official, including a Board member of the CIA, to disclose the full nature and extent of any direct or indirect financial or personal interest in the matter before him or her. Once there is disclosure of an actual or potential conflict of interest, they would be required to refrain from participating by recusal, in any discussion, voting or action thereof, but only regarding that particular issue.

In conclusion, the owner of land in the CIA may serve on the Board, but must be extremely cautious and sensitive to disqualify themselves to participate in decision making or voting if there is a direct or indirect personal interest or gain. The determination of personal gain must be reviewed and weighed on a case by case basis.



## **CITY MANAGER'S REPORT**

July 2021

## **Baldwin Public Library**

The Library is open for visits of any length, seven days a week and the Library has a variety of lounge and study seating available throughout the building. Curbside pickup is also available. Room rentals have now resumed and you can find out more information and make reservations at <a href="www.baldwinlib.org/rent">www.baldwinlib.org/rent</a>. Baldwin's annual summer reading program is running now through August 8. At the Library Board meeting on August 16, the Library Board will vote to select the architectural firm to design Phase 3 of the Library's Building project. Three firms attended the pre-bid meeting on June 30 and bids were due on July 20. The family and friends of Miranda S. Burnett have donated money to the Library in her memory and purchased naming rights for the Miranda S. Burnett Youth Reference Desk.

## **The Birmingham Museum**

The Birmingham Museum recently earned recognition from Twitter by becoming "verified." The checkmark symbol next to our account main page tells visitors and followers that we have met Twitter's standards for authenticity. This designation is rare for small museums, since it is largely dependent on a high degree of public interest and activity, which is usually only the case in much larger institutions. Like all of the museum's social media platforms, its Twitter account has grown steadily, currently with 1035 followers.

## **Birmingham Shopping District**

## **Attracting New Businesses**

A vibrant, prosperous, and walkable downtown strengthens neighborhoods, serves as the heart of the community, and drives the local economy. To that end, the BSD recognizes the importance of continually working to attract new businesses. The BSD looks forward to making some exciting announcements in the near future regarding business attraction.

## **South Old Woodward Reconstruction**

The BSD stands ready with plans to communicate with and help support businesses that may be affected by the upcoming road construction on S. Old Woodward next year. The BSD held a Merchant Meeting on Tuesday, July 13<sup>th</sup> where the city's engineering consultant, MKSK, presented information about the upcoming project to business and

property owners. The meeting was held at Phoenicia, where owner and BSD board member Samy Eid generously let the BSD use the space. Business owners voiced the importance of ongoing communication with the city about the project, prompting the BSD to look into innovative tools like text updates and regular door-to-door check-ins with those who may be affected by the construction. Additional programs are being developed to help with access and promotions for these businesses.

## **Community Events**

The BSD recognizes that community events strengthen the bonds between residents and their downtown. Movie Night took place on Saturday, July 17<sup>th</sup> after unfortunate weather caused the event to move to its rain date. The event theme was Christmas in July, featuring the movie Elf.

Day on the Town is scheduled for July 31<sup>st</sup>. More than 71 retailers have registered, approaching record-setting participation. BSD staff has been working to ensure the success of the event. For many, this event is a significant revenue generator and serves to strengthen our downtown retail businesses.

Preparation for the Birmingham Cruise event is proceeding. Due to the reduced footprint of the event, BSD staff conducted a lottery to fairly select the cars that will be able to participate in the car show.

## **Building Department**

## **Monthly Report**

The <u>Building Department's monthly report</u> provides an update on the following construction activity: building permits issued, building inspections conducted, trades permits issued and trades inspections conducted.

## **Short-Term Rentals**

The Building Department is working on developing a procedure for identifying short-term rentals, such as Air BNBs, and contacting the property owners to inform them of the City's rental licensing policy. We have identified almost 30 short-term rentals so far and have started the registration process on several properties.

## **Sidewalks and Walkways**

We are also developing a procedure to proactively enforce the maintenance and violation abatement of trees and shrubs that encroach on sidewalks and walkways to maintain and uphold the beautification and walkability of the City.

## **Online Permit Applications**

In May we processed 363 online permit applications, bringing our total to 2,156 online permits for 2021.

## **City Clerk's Office**

## **Elections**

The Clerk's office has begun preparing for the general election on November 2, 2021. The Clerk's office will send confirmation letters to past election inspectors in August, recruit additional workers in September, and train all election inspectors in October in preparation for the election.

Now is a great time to confirm your voter registration at <a href="mi.gov/vote">mi.gov/vote</a>. Voters wishing to vote absentee should make sure they are on the permanent absentee voter list and that your correct mailing address is on file. When returning applications be sure to include phone and email contact information so that if any issue pops up we can reach you quickly to resolve it. The initial mailing of absentee ballot applications for the November election is planned to go out late August.

For more updates and information on the November 2, 2021 election visit bhamgov.org/voting.

## **Greenwood Cemetery**

## **Future Agenda Topics for Greenwood Cemetery Advisory Board**

August 6 - Meeting in-person at City Hall

- Selection of chair and co-chair
- Draft annual report for Greenwood Cemetery
- Continued discussion on updating the rules and regulations for Greenwood Cemetery
- Continued discussion on planning to conduct a grave stone inventory September 3 Meeting in-person at City Hall
  - Continued discussion on updating the rules and regulations for Greenwood Cemetery
  - Continued discussion on planning to conduct a grave stone inventory

## **Upcoming Board Appointments**

As terms expire notice will be given for existing members to reapply or for new applicants to apply to the following boards in August and September:

- -Advisory Parking Committee
- -Design Review Board
- -Historic District Commission

## **Board Vacancies**

The following boards have open positions that were noticed and have not yet been filled:

- -Advisory Parking Committee
- -Martha Baldwin Park Board
- -Multi Modal Transportation Board
- -Storm Water Utility Appeals Board
- -Triangle District Corridor Improvement Authority

For more information visit bhamgov.org/boardopportunities.

## **City Manager's Office**

## **Communications**

## **Engage Birmingham**

The Engage Birmingham site recently saw a flurry of activity due to the <u>Year-Round Enclosed Outdoor Dining project</u>. Within six days of launching the project, 240 people completed the survey and more than 500 people visited the site. Several new projects will launch soon, such as the Food Truck project and a Public Notice Redesign project.

## **Ordinance Reminders**

The communications team continues to publish reminders regarding the city's ordinances pertaining to pet etiquette and safety, long grass and weeds, and other poisonous growths. Information about the ordinance pertaining to trees and shrubs that encroach on sidewalks was posted via social media this month, and an article will be included in the August Around Town e-Newsletter.

## **Miscellaneous**

## **Request for Qualifications for Strategic Planning**

A Request for Qualifications (RFQ) for the development of a Strategic Plan will be issued in September. Strategic planning determines where an organization is going and how it is going to get there. The Strategic Plan is intended to help the City direct its efforts and resources toward a clearly defined vision for its future. Commissioners are encouraged to download a draft of the RFQ here and provide feedback to the City Manager by August 15, 2021.

## Melissa Fairbairn Accepted into Municipal Leadership Program

Melissa Fairbairn was recently accepted into the 16/50 Project's Women's Municipal Leadership Program (WMLP). As a participant in this program, she will join a dynamic community of women all on the path to becoming strong local government managers. The WMLP offers an exclusive setting to dive in on key topics instructed by municipal experts, build executive leadership expertise, and gain insight on the application of new skills from current municipal managers. Congratulations, Melissa!

## **Shared Parking Spaces**

An article by the Metropolitan Area Planning Council (MAPC) titled "Parking Spaces Serving Multiple Masters" delves into the benefits of facilities with shared parking spaces serving multiple destinations. Follow this link to read the article.

## **Potential Changes to the Open Meetings Act**

Earlier this month, Tom Markus sent a <u>letter to Representative Manoogian and Senator McMorrow</u> in support of allowing officials to continue participating remotely in public meetings. Follow this link to read the response letter from Senator McMorrow.

## **Relationship between Commercial and Residential Property**

Earlier this year, Tom Markus sent an <u>email</u> to City Commissioners regarding the relationship between commercial and residential properties. The information provided

demonstrates the mutually beneficial relationship between the two, and suggests that in Birmingham (and in most communities) it is likely that commercial properties financially support services in the residential community more than residential properties support the commercial properties in the City. Our focus should be on the services we should expect from our county, state and federal governments to ensure we are getting the service and support we need from those entities. Learn more about this topic in a report by Public Sector Consultants titled "Creating 21st Century Communities - Making the Economic Case for Place". We have and continue to develop our sense of place, which our residential and commercial uses continue to contribute to.

## **Department of Public Services**

## **Wedding Ceremony Agreement**

The Administration (DPS) advanced the update to the Wedding Park Rental Agreement (Ceremony Only) to the Parks and Recreation Board on July 13, 2021 to eliminate the use of Shain Park for wedding ceremonies. The Parks and Recreation Board endorses this change. In addition, we updated the facility use fees (for use of a city park) as part of the revised Agreement. The City Commission adopted the original Wedding Agreement on June 27, 2011.

We are no longer accepting wedding ceremony applications for Shain Park during 2021. September is the last month for this year for which a wedding ceremony is scheduled. The effective date for this revised Wedding Rental Agreement will be January 1, 2022. At such time this goes before the City Commission for approval, the City of Birmingham Fee Schedule will need to be updated to reflect the price increase. The coordination for this report with the fee update will be addressed prior to returning to the City Commission.

## Adams Park Concept Plan Update

Since engaging Michael J. Dul & Associates earlier this year, we continue to meet with the relevant neighborhood groups to tweak the Adams Park concept plan created and accepted during 2015-2016. As part of the work schedule, July and August includes developing the updated plan, sharing the minor revisions of creating more park and play area with the stakeholders (Community members and Roeper School), preparing preliminary cost estimates, and holding meetings to update the Parks and Recreation Board and City Commission.

We expect a proposal from Michael J. Dul & Associates to prepare construction drawings and bid specifications along with the revised concept plan to present to the City Commission in either September or October.

## **Ice Arena Project Schedule Status for July and August**

• Electrical primary installation • Combo sewer installation • Dehumidification unit concrete pad installation • Cold slab tubing installation • Cold slab concrete pour • Addition

foundation pour, block walls, roof framing • Infrared heating system installation • Interior wall painting • Start bleacher installation • Start main rink HVAC system installation

## August

• Install addition roofing • Install underground plumbing • Install addition brick veneer • Finish interior painting • Elect./Plumbing/HVAC/Fire Suppression installations • Ceramic tile showers • Acoustical tile ceiling grid and pads • Refrigeration equipment installations

Visit <u>Engage Birmingham</u> for additional updates and progress photos.

## **Pickleball Court Update**

City administration is working with a consultant on feasibility design for each of the five potential locations: NE Corner of S. Eton and Lincoln (Kenning Park), St. James, Crestview, W. Lincoln Well, and Poppleton. This includes site evaluations and complete review of proposed sites. This information, when available, will be shared with the Parks and Recreation Board and on Engage Birmingham - as Pickleball 2.0!

## **Engineering Department**

## S. Old Woodward Reconstruction Phase 3 Update

Phase 3 of the Downtown infrastructure improvements includes S. Old Woodward, between E. Brown and Landon, and is a continuation of the work completed in 2018 on S. Old Woodward and in 2020 on Maple. City Staff and consultants are working on the conceptual plans, considering the same project goals and employing the "template" used in Phase 1 and 2 within the Phase 3 project limits. Even though the basic design elements are planned to be the same, the Phase 3 project area has some unique differences from the previous phases, which will impact how the project is designed.

The most notable difference is the number of "tee" intersections at Daines, Hazel, E Frank, Bowers, Haynes and George, and how they interact with street parking. In previous phases, this situation occurred, but with less frequency (Merrill & S. Old Woodward for example). At these intersections, bump-outs were incorporated to improve crosswalk conditions, and thereby eliminating some parking spaces that were located opposite of the street approach, which also improved driver safety. This same strategy is being proposed for Phase 3, but because of the number of these intersections, and compounded by the relative close proximity of them at Hazel/E. Frank and Haynes/George, there is more of an impact to street parking than previous phases.

Parking meter data was reviewed to see the current utilization of the parking spaces in the project area. There are 154 current parking spaces in the project area, with an average utilization of 36% (approximately 55 vehicles occupying spaces). Based on the concept plan being developed, 94 parking spaces are proposed (net reduction of 60 spaces). Using the current parking meter data, the proposed parking utilization would be 60% for the conceptual configuration. Our goal for parking space utilization is typically 85% occupancy, so even with the reduced spaces in the proposed concept, the overall utilization shows some excess parking capacity will remain. Other factors that contributed to reduction in parking spaces included ADA accessibility improvements and moving the bus stop for northbound Old Woodward from its current location on Bowers (under the elevated parking deck for the 555 building), to a safer location on S. Old Woodward, north of Bowers.

Initial concepts have been presented to the Multi-Modal Transportation Board and the Advisory Parking Committee at their recent meetings, and they provided important feedback that was considered by the design team. The concept plan was presented to the business community at their Merchant's Meeting last week, where additional feedback was received. Upcoming events include an "open-house" to present the concept plans to the public that is scheduled for 8/3, and will be hosted at the Baldwin Public Library from 4 to 7pm. The concept plans will be presented at the Principle Shopping District meeting on 8/5.

After receipt of the feedback from these presentations, as well as considering the results of the public survey currently on Engage Birmingham polling residents on their experiences as a pedestrian and driver on the previous phases of the project, the design team will refine the concept plan, complete illustrative renderings, and prepare a formal presentation of the recommended concept. Our goal is to present the recommended concept plan to the City Commission at the August 23 or September 13 regular meeting.

## **Information Technology**

## **Upcoming Projects**

As part of the upcoming phone system upgrade, the IT department is working to finalize the E911 configuration for the City. We are also working to finish the implementation of the Mitel Mass Notification system.

The IT department is currently getting quotes to replace the server at the museum as it is running out of space.

## **Staffing Update**

Jamil Alawadi has been moved to a full time position – splitting his time between the IT department and Communications.

## **Planning Department**

## **Update on Oakland County's Participation in the Triangle District CIA**

The Triangle District is located between Adams Road and Woodward Avenue, south of Maple Road. Land uses in the district include a mix of commercial, office uses, and some residential uses. The district is adjacent to a single-family neighborhood that is not included in the proposed TIF District. Most of the higher intensity uses are located along Woodward, with other fine stores and offices found throughout the district.

As reported in May, the City recently commenced discussion with Oakland County to attempt to resolve the previous stalemate on the contract negotiation and have Oakland County participate in the TIF Plan for the Triangle District as previously approved in 2015. Oakland County advised that the City will be required to completely restart the county TIF review process despite the previous approval of the TIF Plan.

Accordingly, City staff attempted to schedule a meeting of the Corridor Improvement Authority to discuss our options. There were only four appointed members of the Authority, and one member advised they no longer qualified for membership, thus leaving the Authority without a quorum to conduct a meeting. The City is currently soliciting volunteers to apply for appointment to the Triangle District Corridor Improvement Authority.

## **MDOT Proposal for Interstate Signage on Woodward**

The Michigan Department of Transportation has advised cities along the Woodward Corridor of their intent to install an Intelligent Transportation System ("ITS") for the purpose of "traffic monitoring, incident management and advance notification" along Woodward. This system is proposed to include connected vehicle technology, traffic signal controller and cabinet upgrades at several intersections, and related equipment. Based on the proposal submitted by MDOT, "related equipment" includes new 85' monopoles, large dynamic digital message signs, cameras, bracket arms and utility cabinets along Woodward Avenue that are commonly used on high speed freeways separated from the local street network.

The City of Birmingham has significant concern about the necessity for the ITS project itself, and in particular the design and placement of the ITS equipment proposed, and requested that MDOT representatives conduct an informational presentation before the Birmingham City Commission to educate City officials on the proposed ITS project, and obtain the input of the elected officials. The City also requested that MDOT set up a meeting with MDOT project management and local community stakeholders within the ITS project area to further discuss the need and scope of the ITS project, evaluate the aesthetic compatibility of the proposed equipment, and to engage the public. Please see the letter previously submitted to MDOT on June 17, 2021.

MDOT conducted a virtual meeting on Tuesday, July 20, 2021 to outline the parameters of the proposed ITS project with representatives from various communities along the Woodward Corridor, and to obtain input from the stakeholders. Birmingham, as well as several other communities along the corridor were vocal in their opposition to the use of obtrusive freeway technology along Woodward given the cultural, historic, scenic and recreational assets located along the designated All American Road and Pure Michigan Byway. MDOT did not make any formal commitment to fulfilling our request for presentation and discussion at a Birmingham City Commission meeting or future public hearings to engage the general public and residents along the corridor. MDOT did commit to sharing the presentation slides and minutes from the virtual meeting on July 20, 2021. Upon receipt, these will be shared with the City Commission.

## **Police Department**

## **Co-Response Mental Health Response Team Grant Request Approved**

The police department received confirmation that the Community Foundation of Southeast Michigan approved the department's grant request of \$75,000 for the Co-Response Mental Health Response Team (CoRe Team). The police department also received confirmation from Congresswoman Hailey Stevens' Office that the second federal grant the department applied for was approved by the Appropriations Committee and will now move to the U.S. Congress/President for final approval for fiscal year 2022.

## **Sgt. Kate Long Retirement**

Sgt. Kate Long retired from the department after 25 years of service. We all wish her and her husband, Steve, a long and prosperous retirement.

## **Future Agenda Items**

Download a summary of <u>future agenda items</u>.

## **Future Workshop Items**

Download a summary of future workshop items.

CITY CLERK
CITY OF BIRMINGHAM
P.O. BOX 3001, 151 MARTIN STREET
BIRMINGHAM, MI 48012

# STATE OF MICHIGAN BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION NOTICE OF HEARING FOR THE ELECTRIC CUSTOMERS OF DTE ELECTRIC COMPANY CASE NO. U-20876

- DTE Electric Company requests Michigan Public Service Commission's approval of a new two-year Energy Waste Reduction (EWR) Plan for 2022 and 2023.
- The information below describes how a person may participate in this case.
- You may call or write DTE Electric Company, One Energy Plaza, 570 SB, Detroit, MI 48226, (800) 477-4747, for a free copy of its application. Any person may review the documents at the offices of DTE Electric Company.
- A pre-hearing will be held:

DATE/TIME:

Thursday, August 12, 2021 at 10:00 AM

BEFORE:

Administrative Law Judge Dennis Mack

LOCATION:

Video/Teleconferencing

**PARTICIPATION:** 

Any interested person may participate. Persons needing any assistance to participate should contact the Commission's Executive Secretary at (517) 284-8090, or by email at mpscedockets@michigan.gov in advance of the hearing.

The Michigan Public Service Commission (Commission) will hold a pre-hearing to consider DTE Electric Company's (DTE Electric) June 30, 2021 application requesting the Commission to: 1) determine that DTE Electric's Energy Waste Reduction (EWR) Plan is reasonable and prudent, and that it meets all relevant requirements of Act 295, as amended by PA 342; 2) approve the proposed 2022-2023 EWR Plan surcharges and the Performance Incentive Mechanism; 3) approve the recovery of annual EWR Plan levelized requested funding levels of approximately \$185.3 million in 2022, and \$184.7 million in 2023. 4) approve the necessary accounting authority as proposed; and 5) grant such other and further relief as is just and reasonable.

## **INFORMATION ONLY**

# STATE OF MICHIGAN BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION NOTICE OF HEARING FOR THE ELECTRIC & GAS CUSTOMERS OF CONSUMERS ENERGY COMPANY CASE NO. U-20865

- Consumers Energy Company requests Michigan Public Service Commission's approval for authority to reconcile its 2020 Energy Waste Reduction Plan Costs associated with the Plan approved in case no. U-20372.
- The information below describes how a person may participate in this case.
- You may call or write Consumers Energy Company, One Energy Plaza, Jackson, MI 49201, 517-788-0550 for a free copy of its application. Any person may review the documents at the offices of Consumers Energy Company.
- A pre-hearing will be held:

DATE/TIME:

Tuesday, July 20, 2021 at 9:30 AM

**BEFORE:** 

Administrative Law Judge Kandra Robbins

LOCATION:

Video/Teleconferencing

**PARTICIPATION**:

Any interested person may participate. Persons needing any assistance to participate should contact the Commission's Executive Secretary at (517) 284-8090, or by email at <a href="mailto:mpscedockets@michigan.gov">mpscedockets@michigan.gov</a> in advance of the hearing.

The Michigan Public Service Commission (Commission) will hold a pre-hearing to consider Consumers Energy Company's (Consumers Energy) May 28, 2021 Application requesting the Commission to review and approve: 1) Consumers Energy's implementation of its 2020 Energy Waste Reduction ("EWR") Plan and find that Consumers Energy has complied with the energy savings targets imposed by 2008 PA 295, as amended by 2016 PA 342; MCL 460.1001 et seq. ("Act 295"); 2) the reconciliation of Consumers Energy's 2020 EWR Plan with the surcharges collected during that period; 3) the collection of a financial performance incentive payment for both the natural gas and electric EWR Plan, the collection of which is to be completed by December 31, 2022, in order to comply with the requirements of ASC 980-605-25; 4) the EWR surcharge mechanism as proposed by Consumers Energy; 5) the conversion of 151,378 EWR Credits into Renewable Energy Credits in 2020 for use in meeting Consumers Energy's renewable energy requirements under Act 295; and 6) grant such other and further relief.

## **INFORMATION ONLY**

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: <a href="michigan.gov/mpscedockets">michigan.gov/mpscedockets</a>. Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: <a href="majorecodockets@michigan.gov">mpscedockets@michigan.gov</a>. If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at: <a href="majorecodockets@michigan.gov">mpscedockets@michigan.gov</a>.

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by July 13, 2021. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Consumers Energy Company's Legal Department – Regulatory Group, One Energy Plaza, Jackson, MI 49201.

The prehearing is scheduled to be held remotely by video conference or teleconference. Persons filing a petition to intervene will be advised of the process to participate in the hearing.

Any person wishing to participate without intervention under Mich Admin Code, R 792.10413 (Rule 413), or file a public comment, may do so by filing a written statement in this docket. The written statement may be mailed or emailed and should reference Case No. **U-20865**. Statements may be emailed to: <a href="majoredockets@michigan.gov">mpscedockets@michigan.gov</a>. Statements may be mailed to: <a href="majoredockets@michigan.gov">mpscedockets@michigan.gov</a>. Statements may be mailed to: <a href="majoredockets@michigan.gov">Executive Secretary</a>, Michigan Public Service Commission, 7109 West Saginaw Hwy., Lansing, MI 48917. All information submitted to the Commission in this matter becomes public information, thus available on the Michigan Public Service Commission's website, and subject to disclosure. Please do not include information you wish to remain private. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

Requests for adjournment must be made pursuant to Michigan Office of Administrative Hearings and Rules R 792.10422 and R 792.10432. Requests for further information on adjournment should be directed to (517) 284-8130.

A copy of Consumers Energy Company's application may be reviewed on the Commission's website at: <a href="michigan.gov/mpscedockets">michigan.gov/mpscedockets</a>, and at the office of Consumers Energy Company. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1909 PA 300, as amended, MCL 462.2 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; 2008 PA 295, as amended, MCL 460.1001 et seq., and Parts 1 & 4 of the Michigan Office of Administrative Hearings and Rules, Mich. Admin Code, R 792.10106 and R 792.10401 through R 792.10448.

[THE MICHIGAN PUBLIC SERVICE COMMISSION MAY APPROVE, REJECT OR AMEND PROPOSALS MADE BY CONSUMERS ENERGY.]



Alex Bingham <abingham@bhamgov.org>

## Fwd:

3 messages

Tom Markus <tmarkus@bhamgov.org> To: Alex Bingham <abingham@bhamgov.org> Thu, Jul 22, 2021 at 1:07 PM

Add to Info Only and note that it is the ADA requirement for Pedestrian walkways.

----- Forwarded message ------

From: thomas markus <tmsquared20@gmail.com>

Date: Thu, Jul 22, 2021 at 1:05 PM

Subject:

To: <tmarkus@bhamgov.org>



Tom Markus <tmarkus@bhamgov.org> To: DepartmentHeads <departmentheads@bhamgov.org> Thu, Jul 22, 2021 at 1:07 PM

FYI

[Quoted text hidden]

You received this message because you are subscribed to the Google Groups "DepartmentHeads" group. To unsubscribe from this group and stop receiving emails from it, send an email to departmentheads+unsubscribe@

To view this discussion on the web visit https://groups.google.com/a/bhamgov.org/d/msgid/departmentheads/ CALPLqCiMz6DPENm2%2B4Rrm%3DO%2BFG8BgJ0d%2BeL8pP4d1zAEPM7%2BPA%40mail.gmail.com.